In The Matter Of:

Long, D., v.
Epic Systems Corporation

Videotape 30(b)(6) Deposition of Stirling B. Martin
February 23, 2016

For The Record, Inc.

Excellence In Court Reporting

Original File Martin Stirling 2-23-16.txt
Min-U-Script® with Word Index

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN
_____

LONG, D.,
individually and on behalf
of all others similarly situated,

          Plaintiff,

     v.   Case No. 15-cv-081

EPIC SYSTEMS CORPORATION,

          Defendant.
_____

VIDEOTAPE 30(b)(6) DEPOSITION

STIRLING B. MARTIN

Madison, Wisconsin
February 23, 2016

Peggy S. Christensen, RPR
Registered Professional Reporter

Page 3

1   E X H I B I T S (Continued)

2 No.   Description   Identified

3 15   Writing for Your Audience PowerPoint
          presentation by Brittaini Maul   152
4
   16   Writing at Epic, About this course,
5   PowerPoint   152

6 17   Tech Comm Training Overview wiki   157

7 18   Overview of Tech Comm Training
          PowerPoint presentation by Anna Losacano 164
8
   19   How to Write Good PowerPoint
9   presentation   166

10 20   Helpful Resources For New Team Members,
          Advice from Team Members wiki   206
11
   21   Sheet from the training materials:
12   Be Ready for Publication Deadlines and
          Daily Work Hours   209
13

14 (The original exhibits were attached to the original
       transcript and copies were provided to counsel)
15

16   R E Q U E S T S

17 No.   Description   Identified

18 1   TLG data that shows any technical
          writer at Epic has spent the majority
19   of his or her time programming Epic's
          computers, analyzing its systems, or
20   engineering its software   110/111

21 2   List of individuals at healthcare
          organizations who would be able to
22   talk about the ways in which Epic's
          technical writers assist in the running
23   of their general business operations   188

24
   (The original deposition transcript was filed with
25   Attorney Jason J. Knutson)

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1   VIDEOTAPE 30(b)(6) DEPOSITION of STIRLING B. MARTIN,

2   a witness of lawful age, taken on behalf of the

3   Plaintiff, wherein D. Long is Plaintiff, and Epic

4   Systems Corporation is Defendant, pending in the

5   United States District Court for the Western District

6   of Wisconsin, pursuant to notice, before Peggy S.

7   Christensen, a Registered Professional Reporter and

8   Notary Public in and for the State of Wisconsin at

9   the offices of Hawks Quindel, S.C., Attorneys at Law,

10 222 West Washington Avenue, Suite 450, in the City of

11 Madison, County of Dane, and State of Wisconsin, on

12 the 23rd day of February 2016, commencing at 9:03 in

13 the forenoon.

14

15

16

17   A P P E A R A N C E S

18
   JASON J. KNUTSON and BREANNE L. SNAPP, Attorneys,
19 for HABUSH, HABUSH & ROTTIER, S.C., Attorneys at Law,
        150 East Gilman Street, Suite 2000, Madison,
20   Wisconsin 53703, appearing on behalf of the
        Plaintiff.
21
   DAVID C. ZOELLER and KATELYNN M. WILLIAMS, Attorneys,
22 for HAWKS QUINDEL, S.C., Attorneys at Law,
        222 West Washington Avenue, Suite 450, Madison,
23   Wisconsin 53703, appearing on behalf of the
        Plaintiff.
24
25   (Continued)

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1   A P P E A R A N C E S   (Continued)
2
    NOAH A. FINKEL, Attorney,
3   for SEYFARTH SHAW LLP, Attorneys at Law,
          131 South Dearborn Street, Suite 2400, Chicago,
4   Illinois 60603-5577, appearing on behalf of the
          Defendant.
5
6   KAIJA HUPITA, Attorney,
    for EPIC SYSTEMS CORPORATION,
7   1979 Milky Way, Verona, Wisconsin 53593,
          appearing on behalf of the Defendant.
8
9   Also present: Connie Hansen, CLVS
              Video Concepts, Inc.
10   (920) 787-5888
11   _____
12
13   (Exhibit No. 1 marked for
14   identification)
15   MS. HANSEN: Good morning. We are
16   on the record. My name is Connie Hansen,
17   CLVS, representing For the Record. The date
18   is February 23, 2016. The time is
19   approximately 9:01 a.m. This deposition is
20   being held in the office of Hawks Quindel at
21   222 West Washington Avenue in Madison,
22   Wisconsin.
23   The caption of the case is D. Long
24   versus Epic Systems Corporation in the
25   United States District Court for the Western

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1   District of Wisconsin, Case Number 15-CV-081.
2   The name of the witness is Stirling B.
3   Martin, 30(b)(6) deposition.
4   At this time the attorneys will please
5   identify themselves and the parties they
6   represent, after which our court reporter,
7   Peggy Christensen of For the Record, will
8   swear in the witness and we can proceed.
9   MR. KNUTSON: Thank you. For the
10   plaintiffs are attorneys Jason Knutson,
11   Katelynn Williams, Breanne Snapp, and David
12   Zoeller.
13   MR. FINKEL: And for defendant is
14   Noah Finkel and Kaija Hupila from Epic
15   Systems.
16
17   STIRLING B. MARTIN,
18   called as a witness, being first duly sworn,
19   testified on oath as follows:
20
21   EXAMINATION
22 By Mr. Knutson:
23 Q   Good morning. Can you please state your name and
24   then spell your last name for the record.
25 A   My name is Stirling Martin. Last name is spelled

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1   M-a-r-t-i-n.
2 Q   Thank you. Where do you work?
3 A   I work for Epic Systems Corporation.
4 Q   And what do you do there?
5 A   I started as a software developer, and I oversee
6   our acute care products today.
7 Q   Do you have a professional title at Epic Systems?
8 A   I'm senior vice president.
9 Q   Do you manage or oversee any particular department
10   or organization at Epic?
11 A   I oversee the acute care product suite, as well as
12   our hosting business.
13 Q   How long have you done that?
14 A   Which particular one?
15 Q   Any. All.
16 A   I've overseen our acute care products since 2003,
17   and I've run our hosting business since 2014.
18 Q   Okay. Where do you live? I don't need your
19   address. Tell me what city you live in.
20 A   I live in the town of Middleton, Verona street
21   address.
22 Q   Okay. Thanks. Just to your left there is a
23   document with a yellow sticker on it. Do you see
24   that?
25 A   I do.

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1 Q   Okay. Is there a number on the sticker?
2 A   Number 1.
3 Q   Thanks. I'll represent to you that that's the
4   notice of your deposition today. Have you seen
5   that document before?
6 A   Yes, I have.
7 Q   When is the last time you saw it?
8 A   I reviewed it yesterday.
9 Q   Okay. Did you review it to prepare for your
10   deposition today?
11 A   Yes, I did.
12 Q   Do you understand that you're being deposed today
13   as a corporate designee of Epic Systems?
14 A   Yes, I do.
15 Q   Okay. When you reviewed the deposition notice
16   marked Exhibit No. 1, were there any numbered
17   paragraphs that you did not understand?
18 A   Not in the sections designated for February 23rd,
19   which is the paragraphs that I'm speaking for
20   today.
21 Q   Did you review the other numbered paragraphs in
22   the deposition notice?
23 A   Not in detail, no.
24 Q   Okay. Other than reviewing the deposition notice,
25   did you review any other documents to get ready

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1   for your deposition today?
2 A   Yes, I did.
3 Q   What were those?
4 A   I reviewed documents presented to me by counsel.
5 Q   Anything else?
6 A   Other documents I reviewed?
7 Q   Yeah.
8 A   Nothing beyond what was provided by counsel.
9 Q   Okay. And what did your attorneys give you to
10   review?
11 A   A variety of documents in a conference room
12   setting, from information about how we had posted
13   the tech comm position, you know, a few samples of
14   different types of writing done by the tech comm
15   group.
16 Q   Anything else?
17 A   No other specific documents come to mind.
18 Q   Other than the documents you just described, did
19   you independently review any other documents to
20   get ready for today?
21 A   No, I did not.
22 Q   Okay. When I say documents, I'm including any
23   documents in electronic format. Did you review
24   anything like emails or internal written
25   electronic memos, anything like that?

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1 A   No. Nothing not presented by counsel.
2 Q   Okay. Did you bring the documents that you
3   reviewed with you today?
4 A   I did not.
5 Q   The tech comm position document that you
6   described, do you know when that was dated?
7 A   I don't recall.
8 Q   What, if any, mental impressions did you form
9   after reviewing those two documents?
10 A   That they represented different ways we had
11   advertised for the position through time.
12 Q   How many iterations of the job posting were there
13   in the packet you reviewed?
14 A   There might have been two, maybe three.
15 Q   Did you note anything about the way the position
16   description had changed over time?
17 A   Nothing specifically.
18 Q   Did you make any notes on the documents that you
19   reviewed?
20 A   I did not.
21 Q   Other than reviewing documents, did you do
22   anything else to prepare for your deposition
23   today?
24 A   I met with counsel and met with two members of the
25   tech comm group.

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1 Q   When was that meeting?
2 A   Last week.
3 Q   Was that in Verona?
4 A   Yes, it was.
5 Q   And who were the two members of the tech comm
6   group that you met with?
7 A   Cate Valenzuela and Andy Dolan.
8 Q   Do you know why you met with those two
9   individuals?
10 A   I met with those two individuals to prepare for
11   the set of depositions that are transpiring this
12   week, as well as to ask them questions about the
13   tech comm role they may have had at the time based
14   on the deposition notice.
15 Q   Was there anything in particular about those two
16   individuals that made them logical choices to
17   discuss the tech comm position?
18 A   Both of them are tenured, experienced members of
19   the tech comm group.
20 Q   Did you decide to meet with them or did someone
21   else?
22 A   I didn't decide to meet with them. They were
23   selected by counsel.
24 Q   How long was the meeting with them?
25 A   Two, maybe three hours.

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1 Q   During that meeting did you review any documents?
2 A   Some of the documents that I referred to earlier
3   were documents that I looked at during the course
4   of that discussion.
5 Q   And were there any others?
6 A   Any other documents during that discussion?
7 Q   Uh-huh.
8 A   No.
9 Q   Prior to the meeting with the two individuals from
10   tech comm last week, had you ever met with those
11   two individuals before?
12 A   Yes, I had.
13 Q   On roughly how many occasions?
14 A   Cate, maybe a couple of times. Andy, more times
15   than I could count. I worked with him on and off
16   through the years.
17 Q   Had you ever discussed with Andy and Cate prior to
18   last week the topic of whether tech comm employees
19   should be paid overtime?
20 A   I did not.
21 Q   Do you know what the tech comm wiki is?
22 A   I presume the tech comm wiki is an internal
23   knowledge source of information used by members of
24   the tech comm role.
25 Q   Does Epic Systems utilize wikis in its business?

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1 A Can you clarify what you mean by in our business?
2 Q Sure. Let's do it this way instead. Are you
3   familiar with an online item called a wiki that is
4   utilized by Epic Systems employees?
5 A I'm aware of wikis being used internally at Epic,
6   yes.
7 Q Okay. Are you aware of a wiki that is titled or
8   designated the tech comm wiki?
9 A Not specifically. There are many wikis in use at
10   Epic.
11 Q Okay. I want you to assume that there is such a
12   thing, a tech comm wiki, at Epic. Because you're
13   not familiar with it, can I assume that you have
14   not reviewed it prior to today?
15 A That is correct.
16 Q Okay. Thank you. Do you have any idea what's in
17   the tech comm wiki at all?
18 A Not specifically, no.
19 Q Do you have any idea how long it is?
20 A I don't.
21 Q Okay. If I were to tell you it's roughly 3,000
22   printed pages, would that comport with your
23   understanding of the wiki sizes generally at Epic?
24 A It would not surprise me that it was 3,000 pages,
25   no.

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1 Q Okay. Did you review any wikis in preparation for
2   your deposition today?
3 A I don't believe so, no.
4 Q Generally what are the purpose of the wikis
5   maintained by Epic?
6 A Generally the purpose of wikis is to share
7   information among members of the staff.
8 Q Prior to your deposition today, have you ever had
9   a conversation with any technical writer at Epic
10   Systems?
11 A I just don't understand the question.
12 Q Okay. It is as broad as you're thinking. Have
13   you ever talked to a technical writer at Epic in
14   the years that you've been there?
15 A Yes.
16 Q Okay. Did you talk to any technical writers to
17   prepare for your deposition?
18 A Not other than as described earlier when I met
19   with Cate and Andy.
20 Q Okay. Are Cate and Andy designated in any way at
21   Epic other than as technical writers? And what
22   I'm talking about specifically are: Are they
23   designated as team leads or group leads or
24   anything else?
25 A I believe both of them are team leads. They

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1   aren't designated as such and there is no sort of
2   formal designation. We don't use titles
3   internally, but I believe both of them do manage
4   other employees.
5 Q All right. When did you first find out about this
6   case, the case that brings you here today?
7 A I don't recall specifically.
8 Q Okay. Can you recall generally?
9 A Last year sometime.
10 Q How did you find out?
11 A I think I was informed by counsel.
12 Q What is your understanding of what this case is
13   about?
14 A My understanding is this case is about whether the
15   tech comm staff are salaried employees.
16 Q If during the course of your deposition today I
17   refer to a technical writer, do you understand
18   that to be the same thing as a tech comm employee
19   or does it mean something else in Epic
20   nomenclature?
21 A We could use those two synonymously today if you
22   would like.
23 Q Okay. Thank you. What actions have you taken in
24   your role as a senior vice president at Epic
25   related to this lawsuit since you learned of this

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1   lawsuit?
2 A Beyond the preparations described thus far, I also
3   spoke with Judy Faulkner and Carl Dvorak.
4 Q Do you remember when those conversations took
5   place?
6 A Last week.
7 Q Was that the first time you had talked to them
8   about this case?
9 A About this case, yes.
10 Q What was the genesis of that conversation?
11 A The genesis was I called to ask them about their
12   recollection of the creation of the tech comm
13   role, as it was one of the topics that was in the
14   deposition notice.
15 Q Okay. So would it be fair for me to say that you
16   got in touch with them because you were trying to
17   prepare for this deposition and you thought that
18   they might be people who would have knowledge
19   useful for you in answering questions today?
20 A Yes.
21 Q Okay. Did they? Did they have knowledge that was
22   useful for you?
23 A No.
24 Q Okay. Why don't you just describe for me the
25   contents of your conversations with both of them.

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1 A I asked both of them individually what they recall
2   about the creation of the tech comm role and the
3   classification of the role as salaried. Neither
4   one of them remember much about the time. It was
5   over 20 years ago, and, you know, both described
6   the role having a high degree of independence and
7   decisionmaking and had always thought it was
8   appropriately classified.
9 Q All right. Let's just unbundle that just real
10   quickly.
11   Did you take away from that conversation that
12   the tech comm role was developed roughly 20 years
13   ago?
14 A Yes. From that conversation, I took away that the
15   role is at least 20 years old.
16 Q How long have you been at Epic?
17 A Approaching 19 years.
18 Q Okay. Did your conversation with Carl and Judy
19   comport with your understanding of when the tech
20   comm role came into being?
21 A Yes, although I can't speak to what happened in
22   the company before I joined, so I'm relying on
23   their assessment of when the role would have been
24   created.
25 Q Did Judy or Carl elaborate on why they believed

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1   that the tech comm role enjoyed independence and
2   discretion?
3 A No. It's not something we talked about.
4 Q Did you ask them why they believed that?
5 A I didn't dig into the additional details of why
6   they felt that it had independence. Always my
7   personally belief has been that it has a
8   tremendous amount of independence and discretion
9   involved in the day-to-day activities.
10   MR. KNUTSON: I'll move to strike.
11   I'm going to try the question again.
12 Q Did you ask Carl or Judy why they believed the
13   tech comm role enjoyed a level of independence and
14   discretion?
15 A No.
16 Q Okay. Thank you. In the course of your
17   conversation with Carl and Judy about the tech
18   comm role, did either of you talk about any
19   technical writers specifically, meaning any
20   individuals?
21 A We did not.
22 Q How long was the conversation you had with Carl
23   and Judy last week about tech comm writers?
24 A Maybe five minutes with each of them
25   independently.

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1 Q Other than the conversations that you just
2   described and your review of documents to prepare
3   for your deposition today, have you done anything
4   else in response to the filing of this lawsuit in
5   your capacity as senior vice president at Epic?
6 A Last week in the presence of counsel met with the
7   head of HR as well in preparation for today.
8 Q Anything else?
9 A Nothing comes to mind. I did review some portions
10   of the transcript from the Nordgren matter in
11   preparation for today as provided by counsel.
12 Q Okay. And when you talk about a transcript from
13   the Nordgren matter, are you talking about your
14   deposition transcript from the Nordgren lawsuit?
15 A That is correct.
16 Q Okay. Did you bring that with you today?
17 A I did not.
18 Q Did you make any notes in the copy of your
19   deposition transcript that you reviewed?
20 A I did not.
21 Q Did you form any mental impressions after
22   reviewing your deposition transcript?
23 A That it was a long two days.
24 Q Anything else?
25 A No.

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1 Q I think you said you've been at Epic almost
2   20 years; is that right?
3 A Almost 19 years.
4 Q 19 years. Thanks.
5   Other than the conversations you've already
6   described this morning, have you talked to anybody
7   else in the whole wide world about this case?
8 A No.
9 Q Do you have any plans to leave Epic?
10 A I do not.
11 Q Are you paid a salary at Epic?
12 A I am.
13 Q Do you receive any bonuses?
14 A I do.
15 Q Do you enjoy any profit-sharing benefits at Epic?
16 A I have stock options.
17 Q Have you given any depositions or any other
18   testimony since the Nordgren deposition in 2014?
19 A I have.
20 Q Can you please tell me about those?
21 A I was a 30(b)(6) witness in an intellectual
22   property theft case, as well as testified
23   separately in my personal capacity.
24 Q Was that also in the IP theft case?
25 A Yes, it was.

Page 21

1 Q   We're talking about the Tata case?
2 A   That is correct.
3 Q   Okay. Have you seen your deposition transcripts
4   from the Tata case?
5 A   I reviewed highlighted portions of it that were
6   flagged to verify accuracy in follow-up from the
7   deposition.
8 Q   When were you deposed in that case?
9 A   Once last year and I think once this year.
10 Q Okay. That case is going to trial shortly; right?
11 A I don't know specifically when it will go to
12   trial.
13 Q Okay. Do you know if you're going to be called as
14   a witness in that case?
15 A I do not.
16 Q Do you expect to be?
17 A I have no expectation on the subject.
18 Q Do you know where the trial is going to take
19   place?
20 A I understand it will take place in Wisconsin.
21 Q Have you been asked to hold any dates in your
22   calendar for that trial?
23 A I have not.
24 Q When you gave a deposition in the Nordgren case,
25   did you get a chance to review the transcript?

Page 22

1 A   Yes, I did.
2 Q   And did you find any inaccuracies in it?
3 A   There were a handful of clarifications that we
4   submitted subsequent to my review of the
5   transcript.
6 Q   Any other inaccuracies that you noticed that
7   weren't subject to revision after the deposition?
8 A   I'm sure there were spelling errors and things
9   that we did not correct along the way.
10 Q Let's just briefly close the loop on this Tata
11   case. Am I correct that that's a case where Epic
12   is alleging that another company essentially stole
13   some of its intellectual property?
14 A Yes.
15 Q So in that case Epic is the plaintiff like
16   Ms. Long is the plaintiff in this case?
17 A Yes.
18 Q Have you been made aware of any meetings at Epic
19   Systems since your deposition in 2014 in which
20   there was a discussion of whether the tech comm
21   employees at Epic should be paid overtime?
22 A I have not been privy to any of those discussions
23   if they happened.
24 Q Are you aware of whether any happened?
25 A Not specifically, no.

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1 Q   If you wanted to know whether those meetings took
2   place, who would you ask?
3 A   I would ask our general counsel, Erik Phelps.
4 Q   Is he on the Verona campus as well?
5 A   He is.
6 Q   Since your deposition in 2014, have you seen any
7   documents that relate to whether the tech comm
8   writers at Epic should be paid overtime?
9 A   I have not, no.
10 Q All right. Has the organizational structure at
11   Epic Systems changed in any meaningful way since
12   your deposition in 2014?
13 A Nothing I would consider meaningful from an
14   overarching structure standpoint. Various people
15   have changed roles. Some people have left the
16   company. But from a structure standpoint, the
17   company is run in a similar fashion to how it was
18   run in 2014.
19 Q Thank you. Do you know who at Epic Systems has
20   the authority to make decisions regarding what
21   I'll call FLSA or overtime exception designations?
22   Who at Epic makes those decisions about who gets
23   paid overtime and who doesn't?
24 A I think it would be a discussion between members
25   of HR and legal and possibly executive management.

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1 Q   Can you give me some examples of who is in
2   executive management?
3 A   Myself, Sumit Rana, Judy Faulkner, Carl Dvorak,
4   Steve Dickman.
5 Q   Would you mind just spelling the second name?
6 A   Remind me what the second name was.
7   MR. KNUTSON: Did you get it?
8   COURT REPORTER: Sumit Rana.
9   THE WITNESS: S-u-m-i-t R-a-n-a.
10   MR. KNUTSON: Is that what you had
11   already?
12   COURT REPORTER: No.
13 Q Okay. The categories your groups of people you
14   just described as likely having the authority to
15   make overtime decisions at Epic, has that group
16   changed in any way that you're aware of since your
17   deposition in 2014?
18 A I don't believe so.
19 Q Are you aware of any employees at Epic who are
20   designated as nonexempt from overtime? In other
21   words, are there some employees at Epic who get
22   paid overtime?
23 A There are -- Yes, there are employees that are
24   paid overtime.
25 Q Can you think of any specific examples?

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1 A I believe some members of the facilities group are
2   hourly employees.
3 Q Can you think of any others?
4 A I believe some of the assistants, such as the
5   accounting assistants, may be hourly employees.
6   There may also be HR assistants who are hourly
7   employees.
8 Q Rather than having me guess, why don't you tell me
9   what the facilities group does.
10 A They are responsible for the buildings and the
11   grounds.
12 Q The physical structures at Epic?
13 A Correct.
14 Q Landscapers?
15 A Yes.
16 Q Janitors?
17 A Yep.
18 Q Are the tech comm employees entry-level employees
19   at Epic?
20 A I don't understand the question.
21 Q Okay. Can tech comm employees be hired without
22   any prior work experience?
23 A Yes. Like most of the roles at Epic, people can
24   be hired either with experience or without
25   experience.

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1 Q Do you know if a college degree is a requirement
2   to become a technical writer at Epic?
3 A I believe it is, yes.
4 Q Do you know if that degree needs to be in any
5   particular area?
6 A I do not believe it does.
7 Q We talked briefly about some employees at Epic who
8   are paid overtime. Can you give me your best
9   estimate of the percentage of employees at Epic
10   that are paid overtime versus those that aren't?
11   MR. FINKEL: I'm going to object
12   that the witness isn't prepared on a topic
13   like this, as it's not really related to
14   anything in the 30(b)(6) topics. If he wants
15   to guess on his personal knowledge, he can.
16 Q And I don't want you to guess. What I want you to
17   do is give me your best estimate as a senior vice
18   president at Epic who has worked there for 19
19   years. What's your best estimate of how many
20   employees at Epic are paid overtime versus are
21   not?
22   MR. FINKEL: Same objection
23   applies.
24 A Less than 10 percent.
25 Q If you found out that it was less than 1 percent,

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1   would that surprise you?
2 A I don't know specifically why I would have
3   surprise in the matter. I don't know how many
4   people there are that do those roles.
5 Q Okay. So if you found out that less than
6   1 percent of Epic's employees are eligible to
7   receive overtime, that would not surprise you?
8 A I don't know how many employees there are, so I
9   don't know why it would surprise me one way or the
10   other.
11 Q Okay. Thanks.
12   All right. Let's look at a couple more
13   documents.
14   MR. KNUTSON: We've got one on
15   there already.
16   COURT REPORTER: Do you want it
17   remarked?
18   MR. KNUTSON: I think so.
19   (Exhibit No. 2 marked for
20   identification)
21 Q All right. You've just been handed a new document
22   with a sticker on it with the number 2 on it. Do
23   you see that?
24 A I do.
25 Q Do you recognize that document?

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1 A I do.
2 Q What is it?
3 A It is a depiction of an organizational chart.
4 Q Is that an org chart for Epic?
5 A It is.
6 Q All right. I'm going to represent to you that
7   that's the same org chart that was used in your
8   deposition in 2014. Do you recall it as being the
9   same one as well?
10 A It's marked as such.
11 Q Do you recall it being the same one as well?
12 A It looks familiar from that time.
13 Q Okay. Do I correctly understand that
14   organizational chart to depict the executive-level
15   employees toward the top and nonexecutive-level
16   employees at the bottom?
17 A I don't think that's a fair characterization of
18   the picture.
19 Q Okay. Can you show me any executive-level
20   employees who are depicted at the bottom of the
21   chart?
22 A I guess how would you define the bottom? The very
23   bottom box of electronic data exchange?
24 Q I'm going to use the word bottom in the generally
25   understood way by human earthlings, that it's more

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1   toward the lower end of the document than the top.
2   So do you see any executive-level employees
3   on the lower end of that document, or bottom?
4 A I consider there to be executive-level employees
5   in boxes such as implementation services,
6   technical services. You know, general counsel and
7   the chief administrative officer are I think
8   halfway down the page below the line.
9 Q Okay. Are any of the people that you described as
10   executive-level employees at Epic Systems
11   represented in the bottom third of that document?
12 A I don't believe so. We can try to fold the paper
13   if we would like, but I don't believe so.
14 Q Okay. Thanks.
15   (Exhibit No. 3 marked for
16   identification)
17 Q All right. You've now been given a document that
18   I think has probably been marked number 3. Why
19   don't you just take a second to look at it,
20   please.
21 A Okay.
22 Q Have you seen this document before?
23 A I believe I have seen a version of this. I can't
24   speak to whether it was this specific one or not.
25 Q How would you describe this document?

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1 A I would describe this document as a role overview
2   from a recruiting standpoint, a position posting.
3 Q Okay. Let's just look at a couple of sections of
4   it, please. On the left side there is a heading
5   that says Position Information. Do you see that?
6 A I do.
7 Q About three-fifths of the way down, do you see the
8   words career level?
9 A I do, although we might get a ruler if we're going
10   to start doing fractions here.
11 Q Yeah. We can get one. Do you see below career
12   level where it says entry level?
13 A I see where it says that.
14 Q Okay. I'm going to assume you did not have any
15   role in formulating this document; correct?
16 A Not specifically, no.
17 Q Okay. Let's go to the right column. Can you find
18   the words Position Summary?
19 A I can.
20 Q And underneath that I'm going to read the first
21   sentence which appears to say, "As a technical
22   writer at Epic, you'll create documentation about
23   the nuts and bolts of our world-class software."
24   Did you see where I read that?
25 A I do.

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1 Q Okay. Does that comport with your understanding
2   of what a technical writer at Epic does?
3 A I think it's a vast simplification of what a
4   technical writer does at Epic.
5   MR. KNUTSON: I move to strike.
6 Q Does that sentence comport with your understanding
7   of what a technical writer does at Epic?
8   MR. FINKEL: Asked and answered.
9 Q You can still answer.
10 A I think it is a simplification of what a tech comm
11   employee does at Epic.
12   MR. KNUTSON: I'm going to move to
13   strike. I'm going to try to break the
14   question down a little bit for you.
15 Q Let's do it this way. You're a senior vice
16   president at Epic. You've been there 19 years.
17   Can I assume that you have more knowledge about
18   Epic Systems than an entry-level employee?
19 A Yes.
20 Q Thank you. You've reviewed this job description
21   before? Yes?
22 A I have reviewed a job description like this. I
23   don't know whether it was this specific one.
24 Q Okay. Do you have an understanding of what
25   technical writers at Epic do on a day-to-day

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1   basis?
2 A I do.
3 Q Would you agree that part of what the technical
4   writers at Epic do is create documentation about
5   the nuts and bolts of Epic's world-class software?
6 A I think it is true that part of what technical
7   communications staff do is create documentation.
8 Q All right. Let's go down just a little bit to the
9   requirements section. Do you see that?
10 A I do.
11 Q Do you see where it says bachelor degree (any
12   major)?
13 A I do.
14 Q Two below points down it then says no technical or
15   software background required. Do you see that?
16 A I do.
17 Q So you've seen some exhibits now in this case.
18   I'm going to represent to you that there has been
19   discovery in this case, which is a process where
20   the two sides share information, and your lawyers
21   get information from Epic and then they review it
22   and then they give it to us. Are you familiar
23   with that discovery process generally?
24 A Yes, I am.
25 Q Is that something that's also happened in the Tata

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1   case that you've been a part of?
2 A   Yes, it has.
3 Q   Okay. Were you given the opportunity to review
4   the discovery documents that your lawyers have
5   given us in this case?
6 A   Was I given the opportunity to review prior to
7   documents being produced?
8 Q   At any point were you given the opportunity to
9   review the documents that your lawyers have
10   produced to us in this case?
11 A   As we discussed earlier, some of the documents I
12   reviewed yesterday were from the materials
13   produced. So to that extent, yes, I've been given
14   the opportunity to review documents produced.
15 Q   Do you believe you've been given a chance to
16   review all of the documents that were produced in
17   this case?
18 A   If I had asked for all of the documents produced
19   in this case, I'm sure I would have been afforded
20   that opportunity to read any one of the what I'm
21   guessing is tens of thousands of pages of printed
22   material.
23 Q   Did you ask to review the discovery documents in
24   this case?
25 A   I did not.

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1 Q   Okay. I'm going to read to you one of the ways
2   that technical writers have been described in this
3   case. Epic makes software for midsize and large
4   medical groups, hospitals, and integrated
5   healthcare organizations working with customers
6   that include community hospitals, academic
7   facilities, children's organizations, safety net
8   providers, and multi-hospital systems.
9   Our integrated software spans clinical,
10   access, and revenue functions and extends into the
11   home.
12   The technical communication team's primary
13   role at Epic is to produce documents that help
14   make our software usable for our customers.
15   Were you able to understand everything I just
16   read?
17 A   Yes.
18 Q   Would you agree that that's an accurate
19   description of what the technical writers at Epic
20   do?
21 A   Again, I think it is a simplification of what the
22   technical writers at Epic do.
23 Q   With that understanding, that it's a
24   simplification, do you think it accurately
25   reflects what the technical writers do at Epic?

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1 A   Do I think the description that technical writers
2   create documentation to be used by our customers
3   and by our staff is accurate? Yes.
4 Q   Was there any part of the description that I just
5   read to you that you disagree with? And I'm happy
6   to read it to you again if you would like.
7 A   Please reread it to me.
8 Q   Yeah. Sure. Epic makes software for midsize and
9   large medical groups, hospitals, and integrated
10   healthcare organizations working with customers
11   that include community hospitals, academic
12   facilities, children's organizations, safety net
13   providers, and multi-hospital systems.
14   Our integrated software spans clinical,
15   access, and revenue functions and extends into the
16   home.
17   The technical communication team's primary
18   role at Epic is to produce documents that help
19   make our software usable for our customers.
20   And my question I believe was: Is there any
21   part of that description you disagree with?
22 A   I wouldn't characterize the technical
23   communications staff as only focused on
24   documentation for use by our customers. They
25   create documentation that's used by our staff as

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1   well.
2 Q   Okay. Anything else?
3 A   We do more than is described in that description
4   of what Epic does.
5 Q   Right. And I want to make sure you don't think
6   that that comment is being overlooked. I
7   understand that you believe there is more to it,
8   that it's a simplification.
9   My question is: Is there anything in that
10   description that you think is just wrong?
11 A   I don't think there is anything that's wrong.
12 Q   Do you believe there is a technical writer at Epic
13   in what you would describe as an executive
14   position?
15 A   I think that the head of the tech comm group would
16   be considered an executive position.
17 Q   Who is that?
18 A   Currently it is Dana Apfel.
19 Q   Would you mind spelling Dana's last name?
20 A   A-p-f-e-l.
21 Q   Do you know how long Dana has been in that
22   position?
23 A   A couple of months.
24 Q   Do you know who held that position before Dana?
25 A   Matt Becker held that position during the period

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1   in question.
2 Q I'm sorry. Can you say that again?
3 A Matt Becker held that position during the period
4   in question.
5 Q Any other technical writers that you think are in
6   an executive role at Epic?
7 A I guess can you clarify for me what you mean by
8   executive role?
9 Q Sure. I'm trying to use the word as you
10   understood it earlier when I asked you who the
11   executives were at Epic and you named six or seven
12   people. Are there any people in that cluster who
13   are technical writers? And I understand we've now
14   added Dana, formerly Matt.
15 A There are other technical writers that manage a
16   large number of people. Depending upon your
17   definition of executive role, they could certainly
18   qualify as executives as well.
19 Q Okay. I want to try to use your definition of
20   executive. So do you believe that those people
21   are executives at Epic, the technical writers who
22   manage some other people?
23 A I think that the people who manage a large portion
24   of the tech comm group would be considered
25   executives.

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1 Q Okay. Can you think of any of those people by
2   name?
3 A Cate Valenzuela, Andy Dolan.
4 Q Any others?
5 A Not offhand, no.
6 Q I believe we're going to have a chance to talk to
7   Cate and Andy sometime this week. When we ask
8   them if they believe they're executives at Epic,
9   do you think they'll say yes?
10 A I don't know how they'll answer that question.
11 Q I know you don't know. I'm asking you to tell me
12   what you think based on your 19 years of --
13   MR. FINKEL: He just said he
14   doesn't know.
15 Q Okay. That's fine. We'll cover this again.
16   You've been at Epic a long time. You know
17   the people there and you know what they do. Are
18   you telling me you consider Cate and Andy to be
19   executives at Epic?
20 A As leads for large portions of the tech comm role,
21   yes.
22   MR. KNUTSON: Okay. Let's just
23   take a short, let's say, ten-minute break.
24   THE WITNESS: Okay.
25   MR. KNUTSON: Thanks. And I forgot

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1   to tell you this, but you can take a break
2   whenever you want. Just holler.
3   MS. HANSEN: Going off the record.
4   The time is 9:40.
5   (Recess)
6   MS. HANSEN: We are back on the
7   record with DVD number 2. The time is 9:52.
8   MR. KNUTSON: Thank you. Welcome
9   back.
10 Q Do you still have Exhibit No. 3 in front of you?
11 A I do.
12 Q Okay. I forgot to ask one question. I forgot to
13   notice something at the top left. Do you see a
14   date range up at the top left?
15 A I do.
16 Q It looks like it says 8/8/2012 through 11/7/2012.
17   Do you see that?
18 A I do.
19 Q Okay. Correct me if I'm wrong, but did you say
20   you thought you had maybe seen some other
21   iterations of this job description, you're just
22   not sure?
23 A Yes.
24 Q Okay. Do you have any reason to believe that this
25   job description was fundamentally different than

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1   this for any point between February 2012 and April
2   2014?
3 A What do you mean by fundamentally different?
4   Different description of the position summary?
5 Q You're right. That was not a great question. Let
6   me just take that word out altogether.
7   Do you have any reason to believe that this
8   job description was different in any way than it
9   appears right here between February of 2012 and
10   April of 2014?
11 A Yes.
12 Q Okay. Can you elaborate, please?
13 A I don't believe I would have been given two
14   documents if they were the same.
15 Q Okay. The other document that you saw, do you
16   know which date range it was for?
17 A I do not.
18 Q And do you remember what, if any, differences were
19   in it between Exhibit No. 3?
20 A I don't. I did not compare them side by side.
21 Q Okay. That's fine.
22   Let's try to talk about the number of
23   technical writers at Epic. First, can you tell
24   me: Where are the technical writers housed at
25   Epic? Where do they do their work physically?

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1   Where are they located on campus?
2 A   They're located all over campus.
3 Q   Okay. And when we talk about Epic's campus, do
4   you understand that I'm talking about the
5   facilities located in Verona?
6 A   I do. I believe there may also be technical
7   writers in Madison as well.
8 Q   Right. And where is the Madison office? Where do
9   you think technical writers might be located?
10 A   In the Tokay campus. It might be 5301 Tokay
11   Boulevard. That's going back a long way in the
12   memory.
13 Q   Is the Tokay location sometimes referred to by
14   Epic employees as just that, the Tokay location or
15   the Tokay campus?
16 A   Correct.
17 Q   Roughly how big is it, do you know?
18 A   Square footage?
19 Q   However you want to describe it.
20 A   I believe there are somewhere between 300 and 500
21   people in that campus.
22 Q   Do you have any idea how many technical writers
23   spend the majority of their time at the Tokay
24   campus?
25 A   I don't offhand, no.

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1 Q   If I told you that we've been told it's two, would
2   that sound way off to you?
3 A   No.
4 Q   Other than however many technical writers may be
5   located on the Tokay campus, is it your
6   understanding that the rest of Epic's technical
7   writers are physically located on the Verona
8   campus?
9 A   I believe so, yes.
10 Q   Are any Epic technical writers physically located
11   anywhere other than the Madison and Verona
12   campuses?
13 A   I don't believe so.
14 Q   As part of your preparation for your deposition
15   today, did you try to figure out how many
16   technical writers Epic employs?
17 A   Currently or in the time period in question?
18 Q   Either.
19 A   During the time period in question, I was told
20   that it was around 110.
21 Q   What is your understanding of the time period in
22   question?
23 A   Roughly February of 2012 to the end of March 2014.
24 Q   How were you able to arrive at the number 110 when
25   you tried to figure out the number of technical

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1   writers Epic employs for that time period?
2 A   I asked counsel who had investigated the question.
3 Q   All right. And Noah, rightly, is just making sure
4   that you don't share any conversations that you've
5   had with him or any of your lawyers with me.
6   Okay?
7 A   Understood.
8 Q   Okay. Other than conversations that you had with
9   attorneys to try to figure out how many technical
10   writers there were for that time period, did you
11   do anything else to figure it out?
12 A   I did not, no.
13 Q   Did you do anything to independently verify the
14   number of technical writers that you were told
15   might be employed during that time period?
16 A   No. I had no reason to believe the information
17   given by counsel wouldn't be accurate.
18   MR. KNUTSON: I'll move to strike
19   everything after no.
20   (Exhibit No. 4 marked for
21   identification)
22 Q   You've just been handed another document, this one
23   marked Exhibit No. 4. I'll just give you a second
24   to take a look at it. Have you seen this document
25   before?

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1 A   I've seen the first page of this document before,
2   or a version of it, at least.
3 Q   Was that to prepare for your deposition or for
4   some other reason?
5 A   To prepare for my deposition.
6 Q   The balance of the document, if you haven't seen
7   it specifically before, have you seen documents
8   like it in the course of your employment at Epic?
9 A   Have I seen documents that include lists of
10   employees and departure reasons? Yes.
11 Q   Okay. Let's talk about it a little bit. Let's
12   start on the first page.
13   There is a section to the right, and I see a
14   couple fields, one says target size and the other
15   says current size. Do you see that?
16 A   I do.
17 Q   And the corresponding numbers are 113 and 109. Do
18   you see that?
19 A   I do.
20 Q   Okay. What is your interpretation of what those
21   numbers relate to?
22 A   I understand that to be the size that the tech
23   comm group felt was the size they wanted to be at
24   and what the current size at whatever moment in
25   time this document was created to be.

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1 Q   Thank you. And those numbers would be consistent
2   with what you just said a minute ago, that you
3   believe there are about 110 technical writers at
4   Epic during the relevant time period?
5 A   That fits nicely between 109 and 113.
6 Q   Right. Can you go to the third page of the
7   document, please. At least in my version that's
8   where the real table starts. Yeah. It looks like
9   you found it.
10   Based on your experience at Epic, do you
11   believe that this table represents a list of
12   departed technical writers? And I'm hoping that
13   by departed they just mean they left Epic, not
14   something more grim.
15 A   That appears to be what this is, a list of
16   employees who have left Epic.
17 Q   The second column where it says --
18 A   Either left Epic or it looks like some may have
19   switched teams or roles.
20 Q   Okay. Sorry to have interrupted you.
21 A   Some were noted as transfers in here as well.
22 Q   Okay. Do you see the second column heading that
23   says Departing Writer's TL?
24 A   I do.
25 Q   Would you take TL to mean team lead in this

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1   instance?
2 A   I would.
3 Q   Then it looks like the fifth column it says start
4   date. Do you see that?
5 A   I do.
6 Q   And then, I don't know, about three columns more
7   to the right it says years. Do you see that
8   column?
9 A   I do.
10 Q   Would your interpretation of that column be that
11   that is the number of years the employee listed to
12   the left was employed at Epic total or employed as
13   a technical writer or something else?
14 A   Without reviewing every individual case here, I
15   don't know specifically.
16 Q   Okay. Well, let's just pick one, then. Let's
17   start with the top one, and we don't really need
18   to use her name. But the very top row, it looks
19   like start date was 1995-01, and then date left
20   writing team is 1997-01, and for years then it's
21   two. And then why don't you just take a moment to
22   do the next couple rows and see if you agree that
23   the arithmetic would indicate that the number in
24   the years column is the difference between the
25   start date and the year left date columns.

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1 A   I do not believe it to be the year they left Epic.
2 Q   What is your interpretation of what it is?
3 A   The year that they transferred out of the
4   technical communications role.
5 Q   Okay. So there could be an explanation other than
6   them leaving Epic altogether?
7 A   Correct.
8 Q   Okay. In the far right column there is a heading
9   Comments. Do you see that?
10 A   I do.
11 Q   And in the course of your duties at Epic, do you
12   occasionally review spreadsheets similar to this?
13   In other words, spreadsheets of departing
14   employees?
15 A   I can't think of a time when I've reviewed a
16   spreadsheet of all employees in a role that have
17   left the role.
18 Q   Okay. Is it common, based on your experience at
19   Epic, for there to be some procedure or process to
20   make note of why an employee leaves a certain area
21   at Epic? Is that a normal occurrence, if somebody
22   leaves one role to go to another it's noted or
23   recorded somewhere why they did that?
24 A   Correct. There is a process by which role changes
25   or departures are handled.

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1 Q   If you go to the second page of the table, please,
2   the first name in the first row is Sarah. Do you
3   see that?
4 A   I do.
5 Q   Okay. If you scan over to the far right column,
6   which we've already decided is the Comments
7   column, I see one, two, three, four -- it looks
8   like four instances where the phrase low performer
9   is noted. Are you able to identify that in a
10   couple spots?
11 A   I do see several where the words low performer are
12   used in that column.
13 Q   Is that a term of art at Epic? In other words,
14   does that connote or designate something specific
15   or do you believe it's just the language that
16   whoever filled this table out decided to use?
17 A   It is the language used by whoever filled out the
18   table.
19 Q   Okay. Do you have an understanding of what, if
20   anything, low performer connotes at Epic
21   generally?
22 A   Yes.
23 Q   What would your understanding be?
24 A   I understand it to be someone who is not thriving
25   in the role.

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1 Q   Would you please go to the next page? I think
2   almost exactly halfway down in the --
3 A   Can I borrow your pen?
4 Q   Almost exactly halfway down in the comments column
5   on this page, there is a comment that reads,
6   "Going to grad school, but we were about to start
7   the 'tough love' program with him." Do you see
8   that?
9 A   I do see that.
10 Q   What's your interpretation of what that comment
11   means?
12 A   I don't know specifically.
13 Q   This will sound like a silly question, but, again,
14   the tough love program is not actually a term of
15   art at Epic? That's not a real program, is it?
16   It's just a comment that whoever filled this table
17   in decided to use?
18 A   Correct.
19 Q   Thanks. Can you go to the first-to-last page of
20   that exhibit?
21 A   First-to-last.
22 Q   Which has some bar charts on it.
23 A   So the second-to-last?
24 Q   That one. Thanks. I'm going to give you a second
25   to just take a look at that again. Do you know

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1 Q   Do you believe it would be possible to do a
2   mathematical calculation based on these columns to
3   determine how many technical writers there were
4   total for the relevant time period in this case or
5   are we missing some information to complete that
6   calculation?
7 A   I'm not sure what you're trying to calculate to.
8 Q   Okay. If I wanted to figure out how many people
9   worked in the tech comm role at Epic from, let's
10   say, 2012 to 2014, do you believe that I have
11   enough information in this exhibit to make that
12   calculation or am I missing some information?
13 A   I don't know. The table stops in 2011.
14 Q   Okay. Assuming that we were able to get
15   information that went all the way to 2014, do you
16   think that these would be the numbers that we
17   would need to calculate the total number of tech
18   comm employees at Epic during that time period?
19 A   I believe that if you were to take the team size
20   at year end and add in the total number of
21   departures, and possibly you would need transfers
22   as well since I don't know how they are
23   represented in this information, that you may have
24   enough information here to calculate that.
25 Q   Thanks. That's fair. Remind me, what's your

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1   what this document is intended to represent?
2 A   I believe so, yes.
3 Q   What is it?
4 A   I believe it is a depiction of the turnover rates
5   for whatever role is depicted here.
6 Q   Based on the document in total, would you agree
7   that we're talking about tech comm employees?
8 A   If you represent it as such, we can go with that
9   interpretation.
10 Q   Do you have any reason to believe this document
11   does not refer to tech comm employees?
12 A   No, other than it's unlabeled.
13 Q   Roughly in the middle of the information at the
14   top of the page you're looking at I see two column
15   headings. One says Team Size at YE. Next to it
16   it says Total Percent Turnover. Do you see those
17   two columns?
18 A   I do.
19 Q   What is your belief as to what those columns are
20   trying to represent?
21 A   I believe that first column is meant to imply team
22   size at year end.
23 Q   What about the Total Percent Turnover column?
24 A   That it's meant to represent the total turnover
25   percentage for that year.

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1   background academically? What are your degrees
2   in?
3 A   I have a bachelor's in computer science and a
4   master's in computer science.
5 Q   I want you to try to give me an estimate, and I
6   realize it's just an estimate. But based on your
7   understanding of what the population of the tech
8   comm group was during the relevant time period,
9   and now having had a chance to look at at least
10   some information related to the typical turnover
11   rates for that group, can you give me your best
12   estimate of what you think the group of tech comm
13   employees has been for the relevant time period?
14   Do you think that's a calculation you can make
15   based on the numbers that you have in front of
16   you?
17 A   I don't, because the numbers in front of me don't
18   include anything in the time period.
19 Q   Okay. If I have you assume that they're
20   consistent with the total percent turnover rate
21   that's depicted here for 1997 to 2011, do you
22   think you could do it, if I were to say the
23   average is 22 percent a year?
24 A   Do I think one could compute what? Based on the
25   number of employees in the role?

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1 Q Yes.
2 A Have we established there is a number to compute
3   that against?
4 Q Let's say we use the number 110.
5 A So if there were 110 people at year end, is that
6   what we're saying?
7 Q Yes.
8 A Okay. And a 22 percent turnover during the course
9   of that year?
10 Q Right.
11 A Then, yes, I think mathematically one could get
12   the number of people who were either in the role
13   at year end or left the company. I don't know
14   that we have information to know whether people
15   may have changed roles within the company.
16 Q Thank you. Let's set that one aside, please.
17 A I need a calculator and a ruler.
18   (Exhibit No. 5 marked for
19   identification)
20 Q You've just been handed yet another exhibit. Have
21   you seen that document before?
22 A I don't believe so, no.
23 Q How many pages do you have in front of you?
24 A It looks to be four.
25 Q Since you haven't seen it before, why don't you

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1   take a minute to read through it.
2 A You want me to read all of it?
3 Q Might as well.
4 A Okay.
5 Q Thanks.
6 A Okay.
7 Q Have you seen a document like this or similar to
8   it in your time at Epic?
9 A I believe I've seen one for a different role.
10 Q How would you describe this document as it fits
11   into the framework at Epic?
12 A I'd describe this document as a document used by
13   members of a role who will be interviewing or
14   talking to a prospective employee when they come
15   onsite for an interview.
16 Q Thank you. That would have taken me a half hour
17   to figure out. I appreciate it.
18   Let's talk about the first couple sentences.
19   It says, "When we were originally interviewed by
20   Epic, part of our experience was to talk to a
21   writer, who explained the writing role at Epic.
22   Now, as you fulfill the role of Writing team
23   Overviewer, here are some tips to consider."
24   Can you tell me what your understanding is of
25   what a writing team overviewer is?

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1 A I interpret it to be a member of the tech comm
2   group that is going to meet with a prospective
3   employee to give them an overview of what the
4   writing team at Epic does.
5 Q Thank you. A few headings down there is one that
6   says Big Picture Part 1: "Give information about
7   the writing team." Do you see that?
8 A I do.
9 Q Looking at the third bullet point that says
10   "Company structure. Briefly mention the notion of
11   'team leaders,'" do you see that?
12 A I do.
13 Q What is your understanding of what a team leader
14   is at Epic?
15 A I understand a team leader to be someone who
16   manages one or more employees.
17 Q And two more bullet points down it says, "Describe
18   the collaborative nature of the job." Do you see
19   that?
20 A I do.
21 Q Let's go to the second page quickly. There is a
22   heading that says Nature of the writing we do with
23   three bullet points. The third one says, "This is
24   a technical writing job: It's great to discuss
25   some of the more creative things we do, but make

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1   sure the candidate understands that we describe
2   complex software and processes, and that we have
3   writing standards that emphasize uniformity."
4   Do you agree that Epic has writing standards
5   that emphasize uniformity?
6 A I agree that we have standards for uniformity in
7   many things that we do, from software design to
8   documentation we may produce.
9 Q Okay. Are one of the areas where you have
10   standards that emphasize uniformity the writing
11   area at Epic?
12 A One of the areas that we have standards or style
13   guides is for writing at Epic, yes.
14 Q In fact, there is an entire style guide for the
15   tech comm team at Epic; right?
16 A Yes, there is a style guide for the tech comm
17   team, like there is a style guide for software
18   design, screen layout, things like that as well.
19 Q Okay. Big picture, what's the purpose of the
20   style guides that you've described? Why does Epic
21   have style guides?
22 A Epic has style guides to ensure a degree of
23   consistency in things that we create, whether it's
24   the software or the documentation or other things,
25   so that the people who may use that thing, whether

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1   it's the software or the documentation materials,
2   can expect and understand what they're going to
3   see where and where information will be
4   represented.
5 Q Let's talk about quickly the programming side at
6   Epic. Would I be right to assume that a style
7   guide for a group of programmers is important
8   because if they're programming inconsistently with
9   one another, that's going to lead to some
10   inefficiencies within the programming department?
11 A The style guide within software development may be
12   used for a variety of things. It may ensure
13   consistency in coding standards, so how one
14   actually documents the code that they're writing.
15   It may describe standards for user interface
16   design or the appropriate, you know, controls to
17   use when laying out a screen so that we don't
18   recreate the wheel unnecessarily and can focus on,
19   you know, developing the content that really
20   matters as part of the software application.
21 Q You mentioned that as part of the software
22   development process the programmer does some
23   documenting. Did I hear that correctly?
24 A Yes.
25 Q Okay. I realize we're entering sort of a

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1   technical area, so forgive me if I don't keep up.
2   But when you said the programmer does some
3   documenting, can you tell me what that is? What
4   does that mean?
5 A In the source code itself, they are documenting
6   what various lines of code may be doing.
7 Q This will be my last time apologizing, I promise.
8   But what does that mean to a layperson, when a
9   programmer documents a line of code that they're
10   working on? How would I recognize that as
11   documentation? What would it look like?
12 A It would be flagged differently depending upon the
13   programming language used. But, in general, it
14   would be written in the English language instead
15   of in a programming language.
16 Q And am I right that the goal of that documentation
17   that the developer is doing is to have it be
18   usable and useful to another developer who may be
19   working on the same or similar project?
20 A For that type of documentation, it may be notes
21   themself for the next time that they're in that
22   portion of the program. It may be notes to
23   another developer that's looking at that portion
24   of the program as well.
25 Q So if I'm a software developer and I say to

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1   another software developer, I need to see your
2   documentation for this piece of programming, will
3   that software developer know what I'm talking
4   about? Will he know what I mean by documentation?
5 A They may ask a clarification question, because
6   there are lots of types of documentation that
7   software developers may create or revise.
8 Q Is the type of documentation we've been talking
9   about for a minute now a part of the software
10   development function that programmers understand
11   to be part of the function? Documentation is
12   something that software developers do?
13 A It is understood that software developers are
14   involved in a wide variety of tasks. They're in
15   the lifecycle from design to development to
16   testing to documentation of the software, which
17   may include, you know, materials that are going to
18   be shipped to the customer in document format
19   rather than computer format.
20 Q Okay. Thanks for going through that with me. I
21   appreciate it.
22   Let's get back to this document. Under the
23   Nature of the writing we do section, there is a
24   third bullet point that says "Style guides,
25   boilerplate, minimalism." Are you able to

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1   interpret or decipher what that means?
2 A I understand the words as written on the page.
3 Q And that's fair. Do they have any meaning to you
4   as a senior vice president at Epic beyond their
5   typical meaning?
6 A I mean, I understand what style guides are. We
7   spent the last ten minutes talking about them.
8 Q Uh-huh. What do you think is meant by
9   boilerplate?
10 A I would infer that that meant -- relates back to
11   the fact that there are style guides, that there
12   is a template into which one is going to author
13   the content that's appropriate for a given
14   document.
15 Q What about minimalism?
16 A I would hypothesize that that refers to the fact
17   that we want people to accurately describe the
18   things that need to be described but to do so in a
19   succinct fashion.
20 Q Thank you. The next heading says A day in the
21   life: We do a lot more than just writing. Do you
22   see that?
23 A I do.
24 Q The last bullet point there says, "Don't skip:
25   Cover hours expectations. We expect that writers

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1 will average around 45 to 50 hours a week, but
2 that could vary greatly, especially during crunch
3 times. This is not always a 9:00 to 5:00 job."
4 Did I read that correctly?
5 A I believe so, yes.
6 Q And does that comport with your observation of
7 tech comm employees generally, that they work a
8 little bit more than 40 hours a week?
9 A I think it varies on the individual and the time
10 period in question. You know, both at a macro
11 level as well as where we are in a development
12 process or where an individual is with respect to
13 deadlines that may relate to their work.
14 Q The sentences that we just read there about 45, 50
15 hours, that doesn't surprise you? You're not
16 surprised to read that technical writers may work
17 45 to 50 hours a week at Epic, are you?
18 A It doesn't surprise me. In fact, in preparation
19 for today, the data that I was given shows that I
20 think it's actually in the high 30s to mid 40s, so
21 it's probably a bit high represented here at 45 to
22 50.
23 Q Let's go to the next page. I'm looking at either
24 the second or third heading that says What Makes a
25 Great Epic Writer? Do you see that one?

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1 A I do.
2 Q Okay. And do you see the last bullet point under
3 "You are invested in Epic" where it says, "You
4 volunteer to help with Epic events"?
5 A In which section are we in? You are invested in
6 Epic, the last one?
7 Q Yeah. Do you see that?
8 A Yep.
9 Q Do you know what that's referring to?
10 A I would interpret that to be that we expect tech
11 comm staff, just like software developers and
12 technical services implementation staff, to help
13 out when Epic hosts a variety of events.
14 Q Do any examples come to mind?
15 A Absolutely.
16 Q Okay. Can you share those with me, please?
17 A We host an annual users group meeting where 10,000
18 or so customer attendees descend on Madison and
19 snarl up traffic for everyone else around town.
20 You know, we put the event on largely ourselves,
21 and a large number of volunteer shifts from
22 various roles are how we make that event
23 successful.
24 Q And, I'm sorry if I missed it, is it a weekend or
25 week long or some other period of time?

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1 A The annual users group meeting is a better part of
2 a week. It starts on a weekend and runs through
3 most of a week. It starts on, I think, a Sunday
4 night.
5 Q Thanks. Okay. And I'm assuming other employees
6 at Epic beyond just tech comm employees are
7 expected to volunteer at that event?
8 A We ask for volunteers from all areas of the
9 company.
10 Q Is the time that Epic employees spend volunteering
11 at the UGM compensated?
12 A Absolutely. The salaried employees that do this,
13 it is part of what they are being paid for,
14 whether it's, you know, volunteering for a shift
15 or sitting in their office working on a
16 documentation manual or a software developer might
17 be working on a software program.
18 Q You mentioned that you had reviewed some
19 information regarding the hours for technical
20 writers and that's why you weren't surprised to
21 see the 45 to 50 number. Can you tell me what
22 information that was that you reviewed?
23 A I was shared the statistic as I related it to you.
24 Q I'm sorry. Maybe I asked a bad question. What
25 data or information did you review beyond what

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1 we've already talked about to try to determine the
2 number of hours that technical writers worked
3 during the relevant period in this case?
4 A I didn't review any documents. I asked counsel
5 for a range of average hours worked by technical
6 communications staff during the time period in
7 question and was told that it was from the high
8 30s to the mid 40s.
9 Q Is that the sole basis for your belief that that's
10 the amount of hours tech comm writers were working
11 during that time period?
12 A I have no reason to believe the information
13 provided by counsel wasn't accurate.
14 Q I understand that. But is that representation by
15 counsel the sole basis for your belief of that
16 hour range that you described?
17 A Yes.
18 Q Okay. Thank you.
19 A Are we done with this one?
20 Q I think so.
21 (Exhibit No. 6 marked for
22 identification)
23 Q You've been handed Exhibit No. 6. Have you seen
24 that document before?
25 A I don't know if I've seen this specific document.

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1   I've seen ones like it.
2 Q   Okay. Why don't you take a moment and read it
3   then, please.
4 A   Okay.
5 Q   Thank you. Based on your review of this document,
6   what do you believe it is?
7 A   I believe, like the previous document we saw, it
8   is a position posting for a technical writer.
9 Q   At the bottom left corner of the document, it
10   looks like there may be a file path. Do you see
11   that?
12 A   I do.
13 Q   It looks like G:\Epic Systems\012.0Writing Ad-Epic
14   Website - Edited.docx. Looking at that file path,
15   does that give you any clues about where this
16   document would be saved within Epic's system?
17 A   It does not. I'm not familiar with a G drive.
18 Q   Okay. Is your interpretation of that file path
19   that this is a job posting that may be used on
20   Epic's website?
21 A   I would hypothesize based on the file name writing
22   ad-Epic website that that was the destination for
23   the material.
24 Q   All right. Let's start at the top. It says, "As
25   a Word Artist at Epic, you will create

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1   documentation to help others learn, install, and
2   use our world-class software." Did I read that
3   correctly?
4 A   I believe so.
5 Q   Is a word artist something different than a
6   technical writer or a tech comm employee?
7 A   It is a way to describe a tech comm employee.
8 Q   You have no idea who wrote this document; right?
9 A   I do not, no.
10 Q   What would your best guess be for which
11   department, area, team, organization within Epic
12   this document would have been authored?
13 A   I'm guessing that the document was likely created
14   by the human resources department, in consultation
15   with members of the technical communications
16   group.
17 Q   Would it be your expectation that the authors of
18   this document, either within the HR department,
19   technical communications, or some other group, are
20   subject to the same style guide or precision,
21   succinctness that you described earlier as being
22   some of the tenets of writing at Epic generally?
23 A   Would you phrase the question differently? I
24   don't understand what you mean by the same style
25   guide.

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1 Q   Sure. Do you think that the authors of this
2   document are also expected to write precisely and
3   succinctly as you described a moment ago?
4 A   I think it is an expectation we have of all
5   employees to write succinctly.
6 Q   Okay. I'm going to go into the middle of that
7   first paragraph. There is a sentence that starts
8   with "Our writers have a knack for explaining
9   complex topics and enjoy tackling challenges with
10   others." Do you see that?
11 A   I do.
12 Q   Is it your understanding that the technical
13   writers at Epic collaborate with other roles
14   within Epic to do their work?
15 A   Absolutely.
16 Q   Then under requirements it says, "Bachelor's
17   degree (any major)." Do you see that?
18 A   I do.
19 Q   And the third bullet point says, "No technical or
20   software background required. We teach you to be
21   an expert in our applications." Do you see that?
22 A   I do.
23 Q   Having reviewed this document, do you think that
24   there are any important requirements that are
25   missing that you think should be included when

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1   Epic advertises for the tech comm position?
2 A   Nothing that would affect who might apply.
3 Q   Thank you.
4   (Exhibit No. 7 marked for
5   identification)
6 Q   I think you've just been given number 7, and we
7   probably have the routine down by this point, but
8   I'm going to assume you haven't seen it, so why
9   don't you take a moment to read it. Have you had
10   a chance to review it?
11 A   I have.
12 Q   Thank you. Is this also a document that Epic uses
13   internally? Strike -- Let me rephrase the
14   question.
15   Am I right that this is a document that Epic
16   uses internally? This isn't something that
17   appears to be intended to be posted somewhere for
18   the public to look at?
19 A   Correct. I believe this to be an internal
20   document.
21 Q   And one of the reasons why that appears to be the
22   case is the first sentence that says, "This
23   document will help recruiters gain a better
24   understanding of the roles within Epic." Do you
25   see that?

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1 A I do.
2 Q Okay. Let's go to the section titled The Role.
3   It says, "What is their job going to be like?
4   Describe the role in detail, along with a typical
5   week or month. What do they do?" It then says,
6   "Writers create the documents that accompany our
7   software, training, and IS processes." Do you see
8   that?
9 A I do.
10 Q Do you agree that that's something that the tech
11   comm employees do at Epic?
12 A Again, I think it's a simplification of what the
13   tech comm employees do, but they do create
14   documents that accompany our software, training,
15   or IS processes.
16 Q Next it says, "What is the 'meaning' of the job -
17   who does it help and why is it important?" Excuse
18   me. It says, "The documents the writers create
19   help customers and employees understand the
20   software better. This can decrease training time
21   for both customers and employees, and improve
22   customer satisfaction with the product." Did I
23   read that correctly?
24 A I believe so.
25 Q A couple headings down it says, "With whom do they

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1   work every day?" It says, "Writers work with
2   other writers on their app team to make sure
3   documents have a single voice/style. They also
4   meet with developers and QAers," Q-A-e-r-s, "to
5   learn about new functionalities in the software.
6   In addition, IS Writers meet with IS staff and
7   Training writers meet with Trainers to create
8   accurate final products." Did I read that
9   correctly?
10 A I believe so.
11 Q Is it your understanding that one of the reasons
12   why technical writers meet with this other role at
13   Epic is so that they can get useful information
14   they need to produce the deliverables that they
15   need to produce?
16 A A key component of what technical communications
17   staff do is research the subject matter that
18   they're going to document and meeting with other
19   roles, understanding the software. The system
20   analyst that they do are key components of that
21   research.
22 Q And a result of that research and meeting with
23   those other people is so that they have the
24   information they need to produce the deliverables
25   that they need to produce; right?

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1 A I think the meaning of meeting with other roles is
2   both to have the information to describe what
3   they're going to document but also to understand
4   what needs to be documented in the first place,
5   what may not be required to be documented. So
6   it's both the inclusion and exclusion of
7   information.
8 Q Thanks. That makes sense. And that's something
9   that a technical writer wouldn't know on their own
10   without having those meetings?
11 A I disagree with that assessment.
12 Q Okay. Is there some other purpose for the
13   meetings, then?
14 A To educate the groups on what changes may have
15   happened or what information may be appropriate to
16   include, but the technical communications staff
17   exercise their own discretion in deciding what is
18   the right amount of detail, what are the right
19   topics to include, what's the right presentation
20   of that information as they create the materials
21   that they may produce.
22 Q What I'm asking is whether the technical writers
23   are able to produce deliverables without meeting
24   with the staff described here, where it says "With
25   whom do they work every day?" So are you telling

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1   me a technical writer is able to produce a
2   deliverable without consultation with another role
3   at Epic?
4 A I think that the work product of Epic is,
5   regardless of role, created in consultation with
6   all of the other roles. The software developers
7   work in consultation with quality assurance staff,
8   technical services staff, implementation staff,
9   technical communications staff. The technical
10   communications folks with developers, installers,
11   trainers in the creation of their work. A very
12   collaborative environment for everyone.
13 Q I understand. Do you have an understanding of the
14   process by which deliverables that technical
15   writers produce is reviewed or edited by others
16   within Epic?
17 A A high-level understanding, yes.
18 Q Is it your understanding that every single
19   deliverable a technical writer produces at Epic
20   must be reviewed and edited by someone else within
21   Epic before it can be published?
22 A I don't believe that to be the case.
23 Q What is the basis for that belief?
24 A The technical communications staff are responsible
25   for determining what, if any, review is

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1   appropriate for the deliverable that they're
2   creating. It is a normal expectation that people
3   will seek peer input into the documents that they
4   create, but there is no hard and fast requirement
5   that they have to have a document reviewed by
6   someone else before it could be published.
7 Q Is it possible that that's a requirement and
8   you're just not aware of it?
9 A Is it possible today is Wednesday and I'm not
10   aware of it? Yes. I can't speak to what's
11   possible that I'm not aware of.
12 Q I'm just trying to understand the last clause of
13   your sentence, because it seems sort of like a
14   non sequitur to me. I think you said you can't
15   understand what you're not aware of, so let me try
16   to ask the question in a different way.
17   Do you believe it's possible that there is,
18   in fact, a requirement at Epic that the
19   deliverables produced by the technical writers
20   must be edited and reviewed before they can be
21   published?
22 A I don't believe that to be the case, as I stated
23   before.
24 Q And I understand you don't think it's the case.
25   I'm asking you whether you think it's even

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1   possible.
2 A Sure. Anything is possible.
3 Q Okay. All right. Let's continue on with this
4   one. There is a heading that says Travel/Hour
5   expectations? "Typically, hours will average
6   around 45 to 50 and travel is minimal, maybe 10 to
7   15 business days total over the course of the year
8   (L&O trips, etc.)." did I read that correctly?
9 A Yes, you did.
10 Q And here is a section that says The Ideal
11   Candidate. It says, "Is personality important to
12   this role, and if it is, what should it be? Is
13   the position customer-facing?"
14   It goes on to say, "In prior years,
15   personality and interview feedback weighed
16   minimally in this role. The writing department
17   has been looking to get more potential TLs hired,
18   so we are now focusing more on candidates that are
19   assertive, speak up, and can take the leadership
20   role. However, test scores and the writing test
21   are what really make or break a candidate?"
22   Did I read that correctly?
23 A I believe so.
24 Q Is part of how Epic determines whether an employee
25   is assertive, speaks up, and can take leadership

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1   roles based on the Rembrandt test that you
2   administer?
3 A It is a determination that is used prior to hiring
4   when we don't have interpersonal history with an
5   individual employee about whether someone is
6   assertive or not. Once someone is hired, we have
7   interpersonal relationships with them to be able
8   to form our own conclusions.
9 Q And then it looks like the last question asked on
10   this page says, "Are there any other particular
11   skills needed? Include degrees required or
12   preferred, experience (type and amount), etc." It
13   says, "Any degree or experience is good for this
14   role. Candidates with a technical writing
15   background are preferred, if possible." Did I
16   read that correctly?
17 A I believe so.
18 Q If technical writers at Epic were required to have
19   a technical degree, and by that I mean a degree in
20   computer programming or accounting or tax or
21   finance, would you expect it to be listed on this
22   info sheet under that heading?
23 A I would expect if there was a required degree
24   that -- given the statement of the question, that,
25   yes, it would be listed below.

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1 Q All right. Thanks. I think we're done with that
2   exhibit.
3   THE WITNESS: Could we take a short
4   break?
5   MR. KNUTSON: Of course.
6   MS. HANSEN: Going off the record,
7   end of DVD number 2. The time is 10:47.
8   (Recess)
9   (Exhibit No. 8 marked for
10   identification)
11   MS. HANSEN: We are back on the
12   record with DVD number 3. The time is 11:02.
13   MR. KNUTSON: Thank you. Welcome
14   back.
15 Q You have a new exhibit in front of you which I
16   believe is marked number 8. Do you see that?
17 A I do.
18 Q Okay. Have you seen this document before?
19 A I have not.
20 Q Okay. Take a minute and look at it, please.
21   All right. We need your help decoding this
22   one for just a moment, but let's start with you
23   telling us what you believe this document
24   represents.
25 A I believe it represents a simplified flow of a

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1   change going through the development process.
2 Q   And when you say development, are we talking about
3   software development?
4 A   For the things described here, yes.
5 Q   Okay. So let's just start at the top. It says,
6   "SLG, QAN, or Design Specification. Someone
7   identifies a problem or potential improvement. If
8   a customer finds a problem, the fix starts as a
9   Support Log (SLG). If Epic staff find a problem,
10   the fix starts as a QA Note (QAN). If a customer
11   or Epic staff suggests an enhancement, a design
12   spec outlining the proposed enhancement might be
13   written." That's that top sort of purple box.
14   Did you see where I read that?
15 A   I do.
16 Q   Okay. Would you mind elaborating on that and
17   explaining it to me in a way that maybe I'll have
18   a shot at understanding? What does that mean?
19 A   It's describing the genesis of a change, whether
20   an enhancement or a fix to the software, where
21   those may come from, whether from customer, from
22   an internal employee, and the sort of
23   documentation of where that would reside for
24   describing the change.
25 Q   And a change doesn't imply a problem or an error.

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1   It can be an upgrade or an improvement or any
2   number of different things; is that right?
3 A   Correct. It could describe, you know, a wide
4   variety of things in the software.
5 Q   Okay. So after that step occurs, the next one
6   down is DLG, which we've learned stands for
7   development log. What is a development log?
8 A   Development log is a record in our development
9   tracking system that is used to describe the
10   changes that are being or have been made to the
11   software.
12 Q   Okay. Thank you. The last sentence in that box
13   says, "Then a programmer, usually a developer or
14   TS, makes changes to the code." TS we've learned
15   is a technical services person. Is there any
16   other name that a programmer should go by for this
17   box to make sense or do you understand what that's
18   entitled -- or intended to capture? What's a
19   programmer in that blue box supposed to mean?
20 A   The programmer in this box is meant to mean the
21   person who is going to make the change, which
22   could be someone with the role of software
23   development, it could be someone from technical
24   services, as we talked about in the Nordgren
25   matter, it could be someone from the quality

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1   assurance role or the tech comm role that may be
2   making changes in the foundation system as well.
3 Q   Okay. Thanks. The next step is that a QA gets
4   involved, it looks like maybe does some testing.
5   Is that fair?
6 A   After the development is done and has been tested
7   by the developers, then QA staff are involved in
8   testing of it, but this document projects a linear
9   flow. It's actually highly iterative in that
10   people in various, you know, boxes on this
11   document are involved in providing input and the
12   process iterates more than this sort of linear
13   flow down the page depicts.
14 Q   Thank you. I understand. Next it says support
15   documentation. Is this the step in the process
16   when a tech comm employee would get involved?
17 A   No. Tech comm employees would likely have been
18   involved much earlier in the process. They may
19   have been involved in attending design meetings,
20   reviewing the development with prospective or
21   current customers. They have likely already been
22   looking at the changes that are being made prior
23   to it being, you know, complete from a development
24   standpoint or complete from a testing standpoint.
25   This is where they would often start creating net

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1   new content, but it is, you know, not the place
2   where they would have first been involved in the
3   process.
4 Q   Okay. Are they mentioned in any of those three
5   higher boxes or are they being described by a name
6   that I don't recognize?
7 A   They're absolutely mentioned. So --
8 Q   Okay.
9 A   In the first box where it says someone identifies
10   a problem, they could be referred to by that
11   someone. In the next one --
12 Q   Sorry. I'm sorry to interrupt you, but I won't be
13   able to keep up. So let me just stop you there,
14   but keep whatever your next thought was, please.
15   So you're saying where it says someone
16   identifies a problem or potential improvement,
17   that that someone could be a tech comm employee?
18 A   Absolutely.
19 Q   Okay.
20 A   If Epic staff find a problem, you know, absolutely
21   would expect a tech comm employee to identify
22   problems with the software, make suggestions about
23   how the software could be more clear or how it
24   could function better in the future.
25 Q   Okay. Has that ever happened in your experience

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1   at Epic?
2 A   Absolutely.
3 Q   Can you give me an example of when a technical
4   writer has brought a software problem or potential
5   improvement to someone else's attention?
6 A   As part of their involvement with projects, they
7   will often create QA notes for observations that
8   they have about the functioning of the software.
9 Q   Right. I understand. Can you give me just a
10   specific example, though, of one time that that's
11   happened?
12 A   No specific example offhand.
13 Q   Okay. Can you name a technical writer by name who
14   has ever done that?
15 A   I presume Cate Valenzuela would have --
16 Q   Okay.
17 A   -- created a QA note.
18 Q   Setting that presumption aside, as you sit here
19   today, you can't tell me an actual technical
20   writer who has ever identified a problem or
21   potential software improvement, can you?
22 A   I would expect that many of the technical
23   communications staff would have identified
24   potential improvements to the software.
25 Q   All right. Which should make it easier for you to

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1   identify one. Are you able to do that?
2 A   I did earlier. I identified Cate Valenzuela as
3   someone who would have done this.
4 Q   And I understand you think she would have. Do you
5   know that she has, in fact, done that?
6 A   I don't know as a matter of fact that any
7   individual has done any specific thing.
8 Q   Thanks. And that's all I'm trying to parse out is
9   whether you know it to be true or if you're
10   assuming that it could have happened, so thank
11   you.
12   Okay. Let's move on. What I want to do next
13   is talk about some of the standards that help
14   guide the technical writers in the work that they
15   do. Are you familiar with any of those standards?
16 A   I need to see examples to what you're referring to
17   by standards that guide their work.
18 Q   Okay. Are you aware of any standards of any kind
19   that help guide the work that the technical
20   writers do at Epic?
21 A   I'm aware of style guides, for example, that we
22   talked about before.
23 Q   Okay. Any others beyond the style guides?
24 A   A variety of templates that are used to format the
25   information for common deliverable types, such as

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1   a Setup & Support Guide.
2 Q   Any others?
3 A   Not by name. I'm sure you've got a stack of
4   papers to show me which we can talk through.
5 Q   I do. So let me just put them in an order that I
6   think makes the most sense.
7   (Discussion held off record)
8   MR. KNUTSON: Yeah. I probably
9   should take these out of order. I'm just
10   going to go off the record for one minute.
11   MS. HANSEN: Going off the record.
12   The time is 11:10.
13   (Discussion held off record)
14   (Exhibit No. 9 marked for
15   identification)
16   MS. HANSEN: We are back on the
17   record at 11:13.
18 Q   Thank you for your patience. You now have Exhibit
19   No. 9 in front of you, which I'll represent to you
20   is an Epic Systems Style Guide. Do you see that
21   title on the front page?
22 A   I do.
23 Q   You are, of course, free to read through this, but
24   what I think might be a little more efficient is
25   there are certain sections I'd like to talk about,

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1   and we can just turn to those and look at them
2   specifically, if that's okay with you.
3 A   That would be fine.
4 Q   Okay. Let's go to the third page, please, and in
5   my copy at the bottom right it's page 4008. Do
6   you see that?
7 A   Yep. I do.
8 Q   Okay. I'm just going to read this first section,
9   and you can just follow along with me.
10   "This guide is intended to provide rules and
11   recommendations about style and usage for general
12   and Epic specific technical terminology as well as
13   general writing style and formatting guidelines.
14   These conventions should be followed when writing
15   technical documentation at Epic.
16   "Note that this guide is a supplement to the
17   Microsoft Manual of Style. If you cannot find a
18   specific guideline in the Epic Style Guide, refer
19   to the Microsoft Manual of Style. Guidelines
20   documented in the Epic Style Guide override those
21   in the Microsoft Manual of Style if they differ."
22   Did I read that correctly?
23 A   I believe so.
24 Q   What's the Microsoft Manual of Style?
25 A   It is a style guide published by Microsoft.

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1 Q   Is it a style guide that relates to technical
2   writing or something else?
3 A   It relates to technical writing.
4 Q   Have you seen that before?
5 A   I have not.
6 Q   Why are you familiar with it?
7 A   I don't know specifically when I came to know the
8   contents of it.
9 Q   Is that something that you're familiar with
10   because of your job duties at Epic or is it
11   something you discovered outside of Epic?
12 A   I presume due to my job duties.
13 Q   Okay. All right. Let's go down to the FAQ
14   section. Under number 1 it says, "I see sections
15   called priority. What do these sections mean?"
16   And the answer is, "The priority indicates how
17   important it is to use this standard across all
18   documentation. Rules should always be followed.
19   Fix these items anytime you run across them in
20   your own or others' documents. For
21   recommendations, you can use your discretion."
22   Did I read that correctly?
23 A   I believe so, yes.
24 Q   Okay. So let's get into the body of it a little
25   bit and try to discover what some of that means.

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1   If you would, turn to page 4014 in the bottom
2   right corner. Have you found it?
3 A   I believe so.
4 Q   All right. You've never seen this page before, I
5   assume?
6 A   I don't believe so, no.
7 Q   Okay. Why don't you just read it, then, since
8   it's just one page. I apologize. It actually
9   continues on to the next page. So if you don't
10   mind, just read the first half of that next page
11   as well.
12 A   Okay.
13 Q   All right. Thank you. It appears to me that the
14   two pages you just read purport to help a
15   technical writer at Epic when that writer is faced
16   with the writing assignment of how to ask an Epic
17   customer to contact their Epic representative.
18   Would you agree that that's what it looks like?
19 A   I'd characterize it differently.
20 Q   Let's hear yours. Go ahead.
21 A   I characterize it as part of creating a
22   deliverable for a customer and describing the
23   information in there. If as part of that
24   deliverable a next step is that they should in a
25   certain situation contact someone, this provides

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1   the guidance on how to phrase that request of the
2   customer to contact Epic.
3 Q   Thank you. That is better than mine. Real
4   quickly, when you say deliverable, is a
5   deliverable the same thing as a document or is it
6   something else?
7 A   We could use them synonymously.
8 Q   Okay. All right. Can a deliverable ever be
9   anything other than a document? And by document I
10   mean the written form produced in some manner,
11   whether it's physically produced or electronically
12   produced.
13 A   So is this a trick question?
14   A deliverable is going to be a document or an
15   embodiment of a document in a web page, in the
16   application somewhere.
17 Q   Okay. I just wanted to make sure we're speaking
18   the same language. I think we may be.
19   The second page of this section on how to
20   contact your Epic representative lists a Priority,
21   where it says, "This is a rule." Do you see that?
22 A   I do.
23 Q   Okay. Based on what we read earlier in the Style
24   Guide, it would appear that this then is how Epic
25   expects its technical writers to format, I think

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1   is the word you used, a section of a deliverable,
2   or document, that instructs customers how to
3   contact their Epic representative; is that right?
4 A   I believe it to be describing the way that an
5   individual technical communications staff member
6   should phrase the request to a customer.
7 Q   Okay. Thank you. Let's look at another example
8   quickly. If you can in the bottom right find page
9   4025. And on mine there is a heading that says
10   Hover the Mouse.
11 A   Yep.
12 Q   You found it?
13 A   I did.
14 Q   All right. This one is short, just a half page.
15   Why don't you read it, please.
16 A   Okay.
17 Q   Thanks. And rather than me take a stab at trying
18   just to have you outdo me, why don't you describe
19   what you think this section of the Style Guide
20   purports to do for technical writers at Epic.
21 A   I think this section of the Style Guide is
22   providing guidance that as part of a deliverable,
23   or a document, to use your vernacular, that they
24   may create. So they may be describing how a user
25   goes through a workflow, what are the key

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1   considerations or where a user may need to click
2   the mouse. This is describing how should they
3   phrase the portion about where to position the
4   cursor so that it's consistent across the
5   documentation set.
6 Q   Thank you. Let's look at one more, please. Let's
7   go to page 4038. And there is a section called
8   Tab Key. Do you see that?
9 A   I do.
10 Q   Is this similar to what you just described, rather
11   than referring to hovering the mouse, it refers to
12   describing the use of a tab key in a deliverable?
13 A   Again, I believe it to be a description of if
14   you're going to describe how a user should tab
15   between fields or what keys they need to press,
16   how to refer to that specific key on the keyboard,
17   yes.
18 Q   Okay. Thank you. All right. Let's go to page
19   4099, please. And at the top it should say Terms
20   to Avoid. Do you see that?
21 A   I do.
22 Q   And right below the heading it says, "The
23   following is a list of terms you should avoid
24   using in your writing." Do you see where I read
25   that?

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1 A   I do.
2 Q   And then go ahead and flip through it. It looks
3   like, I don't know, 10, 12 pages of words in a
4   column described as Term to Avoid and then the
5   right column it says Replacement, and there are
6   replacements for the term to avoid.
7   Have you ever seen this table before?
8 A   I may have seen variations of this table through
9   time. I can't -- I don't know specifically.
10 Q   Is there a table similar to this that is
11   distributed to other roles at Epic other than tech
12   comm writers? In other words, is there a similar
13   table that goes to the developers or -- well, any
14   other team at Epic?
15 A   I mean, there are style guides for, as we
16   discussed before, other things, such as software
17   development, that would speak to common things or
18   words that one should use instead.
19 Q   Okay. So, for instance, if you can find page
20   4100, it looks like the fifth one down says debug
21   or debugging. That's a term to avoid. And as a
22   replacement it offers, "Use 'troubleshoot,' or
23   write around it. For example, use 'utility' to
24   refer to a debugging tool. 'Debug' is a vague
25   term that implies that there are bugs in the

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1   system." Did you see where I read that?
2 A   I did.
3 Q   And what is your understanding of the purpose of
4   this entry in the Epic Style Guide?
5 A   The purpose of this entry is to suggest an
6   alternative phraseology for describing how someone
7   would access a debug or debugging tool, either the
8   tool itself or the act of using such tool.
9 Q   Okay. Thank you.
10   This is one of those moments where we're
11   going to have to be really precise with our
12   language. I think you said that you believe it
13   suggests a replacement for the word debug or
14   debugging. Did I hear you correctly?
15 A   I don't know. We could have her read it back.
16 Q   Sure.
17 A   It does say use troubleshoot.
18 Q   I agree. I don't want to misquote you, so why
19   don't we do that.
20   MR. KNUTSON: Do you mind?
21   (Answer read)
22   MR. KNUTSON: Thank you.
23 Q   Is it your belief that the replacement terms in
24   the right-hand column are merely suggestions to
25   replace a term to avoid or do you believe that the

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1   replacement terms must replace the terms to avoid
2   in technical writing at Epic?
3 A   As phrased here, the suggestion is use
4   troubleshoot or a term like utility, you know, the
5   phraseology of "or write around it" is a
6   suggestion to the writer to use their independent
7   ability to come up with an alternative way to
8   phrase the sentence that doesn't use the term
9   debug or debugging. So troubleshoot is the
10   suggested term, but it is open to the writer to
11   determine what is an appropriate phraseology that
12   gets across the same meaning.
13 Q   Do you believe that the writer has the
14   independence and discretion to just use the word
15   debug or debugging?
16 A   Would you rephrase the question?
17 Q   Sure. Do you believe that a technical writer at
18   Epic in producing a deliverable has the
19   independence and discretion to use the terms debug
20   or debugging?
21 A   Yes, I believe that if it was appropriate for the
22   context that they would use that.
23 Q   Would you agree that that contravenes this
24   document that tells a technical writer to avoid
25   those terms?

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1 A It is -- The suggestion is to avoid those terms.
2   If it is the appropriate term for the situation, I
3   would expect that the writing staff at Epic would
4   use their independence to decide that that's the
5   right term to use for the situation and to use it.
6 Q So if you were to learn that a technical writer's
7   performance at Epic was judged to be deficient
8   because they had used terms in this section of
9   terms to avoid, would that surprise you?
10 A Would it surprise me that a technical
11   communications staff member used a term in the
12   terms to avoid? No, it would not surprise me.
13 Q Would it surprise you that that employee was then
14   given an unfavorable review because they had
15   failed to comply with the Style Guide by using
16   terms listed in the terms to avoid section?
17 A It would surprise me if the sole reason for an
18   employee's unfavorable performance review was the
19   presence of terms to avoid from this document.
20 Q Okay. So is it your testimony that Epic's Style
21   Guide is really more of a series of
22   recommendations, they're not mandatory rules that
23   the technical writers have to follow. They're
24   just suggestions that they can follow if they want
25   to?

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1 A They are strong suggestions for phraseology and
2   approaches to describing things, but we expect
3   technical communications staff, like all members
4   of Epic, to exercise independence and discretion
5   in deciding how to proceed with the task at hand.
6 Q Okay. I think you inserted the adjective strong
7   now. So they're strong suggestions that technical
8   writers are supposed to follow but not mandatory,
9   is that your belief?
10 A It is my belief that we strive to ensure that the
11   standards described here are followed, and to the
12   extent that there are appropriate deviations from
13   it, that is absolutely within the bounds of the
14   expectation of the employees to make that
15   determination.
16 Q So if we've talked to a former technical writer
17   who was given an unfavorable review for using
18   phrases to avoid listed in the Style Guide, do you
19   believe that that would have been an unfair
20   demotion of that employee because the Style Guide
21   is just strong suggestions that they're supposed
22   to follow and not mandatory?
23 A I disagree with the characterization of an
24   unfavorable performance review as a demotion.
25 Q Okay. Well, let's back up. You're aware that

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1   technical writers and probably all employees at
2   Epic are periodically reviewed for their
3   performance; right?
4 A Correct.
5 Q Okay. And those performance reviews are
6   documented; right?
7 A Performance reviews are documented, yes.
8 Q Okay. And other employees at Epic review the
9   performance reviews in the course of their duties
10   as team leads or department heads or other types
11   of managers? Other people review the employee
12   reviews; right?
13 A Not as a regular occurrence. They -- Performance
14   reviews are reviewed by a review reviewer to help
15   provide the team lead with suggestions on the tone
16   and tenor of the review itself, but the reviews
17   are not, you know, required to be reviewed by
18   someone else in the company, either before they're
19   given to the employee or subsequent to that point.
20 Q In your duties as a senior vice president at Epic,
21   do you ever have the opportunity to review
22   employee reviews?
23 A Have I reviewed employee reviews? Yes.
24 Q Do you have the authority at Epic to terminate
25   employees?

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1 A Yes.
2 Q Do you have the authority at Epic to terminate
3   employees in the tech comm department?
4 A Yes.
5 Q Would you ever terminate a tech comm employee for
6   using language in the Style Guide that they're
7   instructed not to use?
8 A Would I terminate an employee for using a word
9   from the terms to avoid list as a singular
10   occurrence, no.
11 Q Okay. Would you expect that an Epic technical
12   writer who used words from the Style Guide that
13   they were told to avoid would have that noted in
14   their performance review?
15 A It would depend on the individual and the
16   situation whether something like that would be
17   noted in their performance review. I don't have
18   an expectation one way or the other of whether
19   that specific thing would warrant being described
20   in an individual's performance review.
21 Q Do you know anyone at Epic who has ever told a
22   technical writer that they may ignore the Style
23   Guide?
24 A Not by name.
25 Q Okay. Do you know them by any other way?

Long, D., v.
Epic Systems Corporation

Videotape 30(b)(6) Deposition of Stirling B. Martin
February 23, 2016

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1   A   As I prepared for today, talking to Cate
2   Valenzuela and Andy Dolan, the discussion of the
3   Style Guide was one of the topics we discussed,
4   and both of them confirmed that it is a set of
5   recommendations. We would not terminate an
6   employee for, you know, not following a
7   recommendation in any other role. I don't see why
8   we would terminate an employee in tech comm for
9   not following a specific recommendation here.
10   MR. KNUTSON: Okay. I'll move to
11   strike as nonresponsive.
12 Q   Do you know of anyone at Epic who has ever told a
13   technical writer that she could ignore the Style
14   Guide?
15 A   Not a specific employee, no.
16 Q   Do you know anyone at Epic who has ever told a
17   technical writer that she was free to produce a
18   deliverable however she wanted?
19 A   I presume that all of the technical communications
20   staff are expected to follow appropriate
21   guidelines and yet produce a deliverable that is
22   appropriate for the context.
23 Q   That notwithstanding, do you know anyone at Epic
24   who has ever told a technical writer that she was
25   free to produce a deliverable however she wanted

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1   to?
2   A   I've not spoken to a technical communications
3   staff member with that specific question, so no.
4   MR. KNUTSON: Breanne, can you help
5   me locate this one?
6   MS. SNAPP: That is -- oh, I'm
7   sorry.
8   MR. KNUTSON: That's okay.
9   A   Are we done with the Style Guide?
10 Q   We are. Thanks.
11   MR. KNUTSON: No, I want this one.
12   (Exhibit No. 10 marked for
13   identification)
14   MR. KNUTSON: Thanks.
15 Q   You have a new exhibit in front of you that I
16   believe is marked as number 10. Do you see that?
17 A   I do.
18 Q   Okay. Take a second to just familiarize yourself
19   with it, please.
20   MR. KNUTSON: Thanks, Breanne.
21 A   Okay.
22 Q   Okay. Thanks. What's your understanding of what
23   this document is?
24 A   I believe this document is a wiki page.
25 Q   We talked about the wiki earlier this morning;

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1   right?
2   A   Yes, we did.
3   Q   This wiki appears to describe something called
4   Cumulus. It says, "Cumulus is Epic's home-grown
5   content management tool. Writers and trainers use
6   Cumulus to create, track, review and publish many
7   types of Epic documentation. Cumulus records are
8   stored in TRACK, the same environment used by EMC2
9   and Sherlock." Do you see where I read that?
10 A   I do.
11 Q   Prior to looking at this document, were you
12   familiar with Cumulus?
13 A   Yes, I was.
14 Q   Is Cumulus something that you use in the course of
15   your job?
16 A   It is not.
17 Q   How would you expect a technical communications
18   employee at Epic to use the Cumulus wiki? Not the
19   Cumulus program but the Cumulus wiki?
20 A   I would expect them to use the Cumulus wiki to ask
21   and understand questions that they may have about
22   Cumulus, what it does, how it does it.
23 Q   Okay. Thanks.
24   (Exhibit No. 11 marked for
25   identification)

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1   Q   You now have Exhibit No. 11. Have you seen that
2   document before?
3   A   I don't believe so, no.
4   Q   All right. Please take a moment to read it. I'm
5   going to be focusing on the bottom three-fifths of
6   the document.
7   A   So beginning at metadata?
8   Q   Actually where it says Cumulus Vocabulary and
9   down, I guess.
10 A   Okay.
11 Q   Yeah, I won't need that.
12 A   Okay.
13 Q   Okay. Thank you. There is a heading that says
14   Cumulus Vocabulary. Right below it says, "There
15   are a few terms you should know as you're working
16   with Cumulus." It then says Content Model and
17   Infotype. It says, "A content model is an
18   enforceable outline that defines the structure for
19   your document and makes you follow the rules.
20   There's a content model for each type of document
21   we produce from Cumulus." Did I read that
22   correctly?
23 A   I believe so.
24 Q   Okay. It goes on to say, "You might learn a
25   content model from a wiki, informally from another

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 1    writer, or in a dedicated class."  Do you see
 2    where I read that?
 3  A  I do.
 4  Q  Okay.  Do you know whether or not the use of
 5    Cumulus is something that is required of Epic
 6    technical writers or is it merely recommended?
 7  A  It would depend on the specific deliverable that
 8    is being created for certain types of
 9    deliverables, such as a Setup & Support Guide.  It
10    is the tool that would be used to author that type
11    of content so it can be incorporated into the
12    publication process.  For other types of
13    documents, they would be authored and published
14    from Microsoft Word.
15  Q  Okay.  So I think you just gave me an example of a
16    document that would be produced using Cumulus.
17    Can you just say it again?  Or pick a new one if
18    you'd like, but what's an example of a document
19    you understand would be produced using Cumulus?
20  A  A Setup & Support Guide.
21  Q  Okay.  Based on what you just read under Content
22    Model and Infotype, would you agree that if a
23    technical writer at Epic was going to produce the
24    deliverable known as a Setup & Support Guide that
25    their use of Cumulus would be mandatory or do you
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 1    believe it would merely be recommended?
 2  A  I believe it is the only tool by which a Setup &
 3    Support Guide would be published.  So if that's
 4    how you would like to interpret mandatory, then,
 5    yes, it is the tool they would use to create a
 6    Setup & Support Guide.
 7  Q  Well, we can use your way to describe it too.  I
 8    think you said it's the only way that they could
 9    do it.  Is that true?
10  A  I believe for the creation of a Setup & Support
11    Guide that it is the tool that would need to be
12    used to create that document type for publication.
13  Q  Okay.  Thank you.  Are you aware of any technical
14    writer at Epic during the time period relevant to
15    this case whose primary duty at Epic was as a
16    computer programmer?
17  A  There may be one or two members of the publication
18    team that are responsible for the Cumulus tool and
19    as such their primary role would be in the
20    development of that tool and the content that it
21    delivers.
22  Q  Would you expect those people to be known as
23    technical writers within Epic or by some other
24    name?
25  A  I would expect those employees to be known as
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 1    technical writers.
 2  Q  With the primary duty of computer programming?
 3  A  The primary duty of developing, managing, and
 4    supporting the Cumulus tool and the online
 5    documentation portal.
 6  Q  Other than the couple of employees that you've
 7    just theorized, can you think of anyone else at
 8    Epic in the time period relevant to this lawsuit
 9    who as a technical writer had the primary duty of
10    computer programming?
11  A  How do you define computer programming?
12  Q  Well, why don't you define it for me.  How do you
13    define computer programming?
14  A  In terms of are there technical communications
15    staff who are responsible for creating a
16    deliverable that is shipped with the software?
17    Yes, there are technical communications staff
18    involved in that process.  Are there technical
19    communications staff who spend a preponderance of
20    their day in a software development environment?
21    No.  They spend most of their day authoring things
22    using the English language instead of a
23    programming language.
24  Q  Right.  Which I think is what I'm trying to get
25    at.  Are there any technical writers who spend the
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 1    majority of their time programming at Epic?
 2  A  I don't believe so.
 3  Q  Are there any technical writers at Epic during
 4    this relevant time period who spend the majority
 5    of their time engineering Epic software?
 6  A  As we discussed before, members of the publication
 7    team are technical communications staff and they
 8    are involved in the design, development, and
 9    support of tools like Cumulus and the online
10    documentation portal Galaxy.
11          MR. KNUTSON: Okay.  I move to
12      strike as unresponsive.
13  Q  Do you know what a software engineer is?
14  A  What definition would you like to use?
15  Q  Okay.  Why don't you tell me what the choices are.
16    What are software engineers in your mind?
17  A  A software engineer could be someone who is
18    involved in the creation of a software program.
19  Q  And by what means would they create that software
20    program?
21  A  They could be involved in the design, so drawing
22    on white boards, creating design documentation for
23    what a software program may need to do.  They
24    could be involved in the actual programming of it.
25  Q  Are there any technical writers at Epic who spend
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1   the majority of their time doing either of the two
2   things that you just described?
3 A   As we talked about before, there are members of
4   the publication team who spend a preponderance of
5   their time creating and managing the tools like
6   Cumulus and the online documentation portal
7   Galaxy.
8 Q   And other than the people you're now theorizing
9   about, are there any other technical writers at
10   Epic who you believe are engineering Epic
11   software?
12 A   I believe that many technical communications staff
13   members are involved in the design and development
14   of Epic software. They participate in design
15   meetings, they attend webcasts with customers
16   where new functionality is demonstrated and
17   feedback is taken. They participate in many steps
18   of the lifecycle of the software development
19   process.
20 Q   And my question is a little bit different. I'm
21   not asking about participation in terms of someone
22   sitting in in a meeting. I want to know if you
23   believe someone at Epic who is paid as a technical
24   writer actually spends the majority of their time
25   engineering Epic software. Are you able to tell

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1   me whether there is such a person?
2 A   I think someone like Andy Dolan would qualify to
3   the criteria you gave it.
4 Q   Okay. When we talk to Andy tomorrow, do you
5   believe he'll self-describe himself as a software
6   engineer?
7 A   I can't hypothesize how he may describe himself.
8 Q   You can. I'm actually asking you to do exactly
9   that. I don't need you to speculate to what he's
10   going to say. I'm asking what you would expect.
11   Do you expect that he will describe himself as a
12   software engineer?
13 A   I think he very well may describe himself as a
14   software engineer for the Cumulus system.
15 Q   Okay. Do you think that he will describe himself
16   as a computer programmer at Epic?
17 A   I don't know whether he may describe himself as a
18   computer programmer at Epic.
19 Q   Do you require the technical writers that you hire
20   at Epic to be proficient in any programming
21   language of any kind?
22 A   We do not require technical writers to be
23   proficient in a given programming language, no.
24 Q   Do you believe that any technical writer at Epic
25   for the relevant time period spends the majority

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1   of his or her time doing computer systems analysis
2   for Epic?
3 A   How would you define computer systems analysis?
4 Q   As a representative of Epic, why don't you tell me
5   what Epic considers its computer systems analysts
6   to do.
7 A   A computer systems analyst could comprise the vast
8   majority of the roles. We create a very
9   specialized software product. We train our staff,
10   from the developers, the quality assurance staff,
11   implementation, technical communications,
12   technical support staff, to be software analysts
13   in the highly specialized software that we create.
14   They're involved in the development of it, the
15   support of customers, the implementation of the
16   software at our customers. So, yes, I would
17   expect the technical communications staff would
18   be, you know, software analysts in that
19   definition.
20 Q   And you believe that they spend the majority of
21   their time doing software analysis?
22 A   They spend the majority of their time doing
23   analysis of what the software does, changes that
24   have been made to it, and depicting that into a
25   written deliverable to help our customers

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1   understand what the software does, how they should
2   use it, what are appropriate ways to use it, how
3   to set it up, how to train their staff, how to,
4   you know, educate their employees about what the
5   software does.
6 Q   So your testimony is that the technical writers at
7   Epic Systems have the technical acumen to do all
8   the things you just described?
9 A   Absolutely. They're highly skilled analysts in
10   the software itself. They are trained just like
11   all the other roles in understanding what the
12   software does, all of the different ways that it
13   can be used, and they're expected to impart that
14   knowledge into the written word so that that can
15   be communicated to someone else.
16 Q   So I assume, then, that Epic's technical writers
17   are paid commensurate to Epic's systems analysts?
18 A   They're paid commensurate to other system analysts
19   who are responsible for a similar set of duties.
20 Q   Okay. What does someone with the title of a
21   systems analyst get paid as a starting salary at
22   Epic?
23 A   I don't believe we have anyone with the title
24   systems analyst at Epic.
25 Q   Do you consider every employee at Epic to be a

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1   systems analyst?
2 A No.
3 Q Who is not?
4 A Members of the horticulture team.
5 Q Anyone else?
6 A Members of HR.
7 Q Anyone else?
8 A Members of accounting.
9 Q Anyone else?
10 A Members of legal.
11 Q Anyone else?
12 A Members of the travel department.
13 Q I can keep asking anyone else or you can just tell
14   me everyone that comes to mind.
15 A We have AV teams, we have -- Who else do we have
16   running around? That might be the list.
17 Q You don't expect Epic's legal department to be
18   conversant in systems analysis?
19 A I expect members of our legal department to be
20   analytical in their understanding of technical
21   topics. We do not train them or expect them to be
22   expert in the Epic software products, so they're
23   not trained to be Epic software analysts.
24 Q Right. Are they software analysts, though? Is
25   the legal department, are they also systems

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1   analysts or software analysts at Epic?
2 A No. As I enumerated, they were one of the roles
3   before that I would not have classified in that
4   definition.
5 Q Right. And you wouldn't expect them to be,
6   because they're in the legal department; right?
7 A I wouldn't expect them to be because they don't
8   have a need to be as part of their job duties.
9   Not because they happen to be in the legal
10   department.
11 Q Are you able to provide me with any time log
12   information for any technical writer that shows he
13   or she spent the majority of his or her time doing
14   computer programming, computer systems analysis,
15   or software engineering?
16 A I don't understand the question.
17 Q Okay. Do technical writers at Epic record some
18   sort of time log?
19 A Yes, they do.
20 Q How is it known at Epic? What do you call it?
21 A They record information into a system called TLG.
22 Q Okay. Are you able to provide me with any TLG
23   data that shows any technical writer at Epic has
24   spent the majority of his or her time programming
25   Epic's computers, analyzing its systems, or

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1   engineering its software?
2 A Absolutely.
3 Q Okay. Is that something you could do today?
4 A No.
5 Q Okay. How long will it take you?
6 A I don't know. It would be a query that would have
7   to be written and developed.
8 Q How long would it take to write and develop it?
9 A I don't know offhand.
10 Q Can you ballpark it?
11 A Days to weeks.
12 Q Okay. If Judy asked you for it, how long would it
13   take?
14 A I don't know. She's not asked me for it.
15 Q I understand that. If she did, how long would it
16   take for you to turn it around and get it to her?
17 A I don't know offhand.
18 Q Do you think that answer would be satisfactory to
19   her?
20 A I don't know. It would depend on the context.
21 Q Okay. I'm asking you to be the architect of that
22   search and perform it and get the results to your
23   lawyer so that they can produce it to us. Do you
24   understand?
25 A I understand that we can create a search that

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1   would show the time log by tech comm employees,
2   including the information that details their
3   creation of a variety of deliverables, which is
4   their performance of the system analyst role,
5   absolutely we can pull that data.
6 Q Great. And I just want to make sure I understand
7   what you just said. I believe you just said that
8   it's the production of deliverables that is the
9   way in which tech comm employees serve their
10   function as a systems analyst. Am I understanding
11   you correctly?
12 A What I said was that the individual role, so in
13   this case technical communications, would log
14   their time against a specific set of codes so the
15   authoring of documentation is their performance of
16   the system analyst role. So time logged to those
17   codes for authoring documentation in support of
18   our internal business purpose or for our customers
19   to use would be represented in the time log data.
20 Q Do you believe that the authoring of documentation
21   which we've been describing as the production of
22   deliverables, is systems analysis?
23 A Absolutely.
24 Q Do you believe that the production of deliverables
25   can also be computer programming?

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1 A It's a different set of deliverables that a
2   different role generally would create. The
3   software developers would be serving in a systems
4   analyst capacity in their understanding of what
5   the software does and how they're going to enhance
6   it. The technical communications staff will serve
7   in a system analyst role as they understand what
8   the software does and depict that into the written
9   word for someone else to understand.
10 Q I want to make sure I understand you. So do you
11   agree that the primary role of a technical writer
12   at Epic is to produce deliverables?
13 A I believe the primary role of a technical writer
14   at Epic is, A, it can be highly variable on the
15   individual because, again, as we've talked about,
16   there are a lot of different things the technical
17   communications staff are involved in, but one such
18   thing is the creation of documentation, either
19   from a support standpoint or install standpoint or
20   creating standpoint.
21   MR. KNUTSON: Okay. I'll move to
22   strike as unresponsive.
23 Q I'm going to try to ask you my question again.
24 A Please do.
25 Q Do you believe that the primary role of technical

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1   writers at Epic is the production of deliverables?
2 A I believe the primary role of technical
3   communications staff at Epic is to understand what
4   the software does and represent it in one or more
5   documents that would be used by internal staff or
6   by customers.
7   MR. KNUTSON: Thank you. Okay.
8   Let's see what time it is. Why don't we
9   break for lunch.
10   MS. HANSEN: Going off the record.
11   End of DVD number 3. The time is 11:56.
12   (Lunch recess)
13   (Mr. Knutson exited the
14   proceedings)
15   MS. HANSEN: We are on the record
16   with DVD number 4. The time is 12:54.
17
18   EXAMINATION
19 By Mr. Zoeller:
20 Q I'm going to direct your attention back to what I
21   believe is marked as the first exhibit. If I'm
22   right, that should be the Notice of Deposition for
23   today.
24 A Uh-huh.
25 Q Can you find that? I'm going to start today by

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1   asking you questions about topic number 13. I
2   want you to take a look at that one and make sure
3   you understand it. You already testified that you
4   have for the topics you've been designated for,
5   but I just want to make sure before I start asking
6   if there are any questions about what the topic
7   describes.
8 A No questions.
9 Q No questions. And you know you've been designated
10   to give testimony today that would bind Epic with
11   regard to that topic?
12 A Yes, I do.
13 Q And what did you do to prepare yourself to give
14   testimony with regard to topic number 13?
15 A To prepare for this topic, I asked counsel to
16   investigate both their own records, as well as
17   records from human resources, to whether there
18   were any external complaints matching the
19   descriptions described here.
20 Q Okay. Did you talk with anybody other than
21   counsel?
22 A I did not, no.
23 Q When did that conversation occur?
24 A A week ago.
25 Q How long did that conversation take?

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1 A I don't remember specifically. A couple of
2   minutes.
3 Q Was anybody else present in that conversation
4   besides your counsel?
5 A No.
6 Q And was that in-house counsel or external counsel
7   who was present?
8 A A mix of in-house and external.
9 Q And can you remember precisely the search that you
10   asked them to look for?
11 A Not precisely.
12 Q Can you remember based on that conversation who it
13   was that was ultimately designated to run this
14   search?
15 A I was talking to Kaija and Noah about whether
16   there were things that matched this criteria.
17 Q Okay. And Kaija and Noah are -- Kaija is an
18   attorney for Epic?
19 A Yes, she is.
20 Q And Noah is outside counsel?
21 A That is correct.
22 Q And do you know if any individuals other than
23   counsel were involved in running this search for
24   topic number 13?
25 A I believe they checked with members of the human

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1   resources department.
2 Q   Okay. Do you know who within human resources?
3 A   I believe Jen Peterson and Jamie Bjorklund.
4 Q   What's Jen Peterson's role?
5 A   She is -- I don't remember her specific role.
6   She's a tenured member of the human resources
7   department, works on personnel matters.
8 Q   Is she in HR?
9 A   Yes, she is.
10 Q   Is she in what you would describe as a leadership
11   role in HR?
12 A   Yeah.
13 Q   Yes?
14 A   Yes.
15 Q   Do you know how long she's been in a leadership
16   role?
17 A   Not specifically. She's been at Epic more than
18   ten years.
19 Q   She's been at Epic for ten years?
20 A   Yeah.
21 Q   Do you know if she began in a leadership role in
22   HR?
23 A   I don't believe so.
24 Q   Do you know if she was ultimately promoted to a
25   leadership role in HR?

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1 A   I believe she has worked in a variety of
2   capacities through her time, including today in
3   her role in the personnel side of things.
4 Q   Okay. Do you know the title of her -- the
5   position that she holds now?
6 A   I think the title of her position is human
7   resources.
8 Q   Nothing more specific than that?
9 A   It might be personnel.
10 Q   Okay. You have a senior vice president
11   designation on your title?
12 A   I do.
13 Q   Does she have any designation like that? Vice
14   president?
15 A   I do not believe she does.
16 Q   Okay. The other individual involved, I believe
17   the name was Bjorklund?
18 A   Jamie. Jamie Bjorklund.
19 Q   Jamie Bjorklund. Does she also work in human
20   resources?
21 A   She does.
22 Q   What is her title?
23 A   Similar. Human resources.
24 Q   No VP, senior VP, anything like that?
25 A   Correct.

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1 Q   Would you describe her as having a leadership role
2   in human resources?
3 A   I would.
4 Q   Do you know how long she has had that position?
5 A   She's been in human resources for over ten years.
6 Q   Has she been in a leadership position that entire
7   time?
8 A   I would characterize her role as a leadership
9   position for that period of time, yes.
10 Q   For the entire ten years?
11 A   I believe so, yes.
12 Q   Okay. Were those the only two individuals from HR
13   involved in running these searches?
14 A   I believe those were the two that the members
15   of -- counsel that I spoke with interacted with on
16   the questions at hand.
17 Q   And I apologize if this might be a little vague,
18   but was there anybody from the more technical side
19   of things involved in running the searches?
20   And by that I mean was there anybody involved
21   in more of the dynamics about how the searches
22   would be run from a technical standpoint?
23 A   I don't know.
24 Q   You don't know. Okay. So there could have been,
25   but you aren't aware of it?

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1 A   Could have been. I'm not aware of it.
2 Q   Okay. Would Jen or Jamie be aware of it?
3 A   They may be, or they may have -- counsel may be
4   able to get their questions answered solely by
5   talking to Jamie and Jen without needing searches
6   or things like that run.
7 Q   Okay. Do you know if the searches were completed?
8 A   Counsel reported back that they had obtained the
9   information necessary from Jamie and Jen for me to
10   address this question.
11 Q   Okay. When did you find that out?
12 A   Last week when we prepped.
13 Q   Okay. And I apologize if my memory is already
14   failing me, but I understood that you had the
15   conversation about running the searches a week
16   ago.
17 A   We did. And then we met again yesterday to review
18   the results of their discussions.
19 Q   That's what I was trying to understand.
20 A   Correct.
21 Q   Okay. So it took less than a week for those
22   searches to be run?
23 A   I believe so.
24 Q   Do you know precisely how many days it took for
25   the searches to be run?

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1 A   I don't.
2 Q   But we can infer it was less than a week because
3   between the conversation and when you got the
4   results was less than a week?
5 A   I don't know that we can infer that. Counsel may
6   have already been working with human resources in
7   advance of that or may have been reviewing their
8   own records in advance of my request.
9 Q   Do you have any knowledge that they were?
10 A   I would expect as members of our legal department
11   that when served with the deposition notice that
12   they would have begun to investigate the questions
13   at hand.
14   MR. ZOELLER: Okay. Motion to
15   strike as nonresponsive.
16 Q   Do you have any information that they were running
17   those searches prior to your discussion a week
18   ago?
19 A   I have no knowledge one way or the other.
20 Q   That didn't come up in the conversation that you
21   had a week ago?
22 A   It did not.
23 Q   Okay. Do you know what the results of those
24   searches were?
25 A   Yes.

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1 Q   What were they?
2 A   That there have been no external complaints,
3   inquiries, communications by these relevant
4   groups.
5 Q   And I want to be clear. We're focusing now on
6   topic number 13.
7 A   That is correct.
8 Q   And number 13 is investigations, complaints,
9   inquiries, or communications by the Department of
10   Labor, the Wisconsin Department of Workforce
11   Development, or any other government agencies
12   regarding Epic's compensation practices,
13   et cetera. You see that?
14 A   I do.
15 Q   Okay. And your testimony when you said the
16   results were that there were none, it was with
17   regard to those kind of investigations,
18   complaints, or inquiries or communications?
19 A   That is correct.
20 Q   Okay. So, in other words, there has been no
21   communication between any state or federal
22   government agency about Epic's pay practices
23   within the period made relevant by topic number
24   13?
25 A   Correct.

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1 Q   I'm going to move you down now to topic number 14.
2   Take a look at 14. Let me know if -- based on
3   your review of topic 14, if you have any questions
4   about what is meant by topic number 14.
5 A   Yes. How do you define complaint?
6 Q   It says internal or external, formal or informal
7   in parenthesis after that. Do you see that?
8 A   I do.
9 Q   And I believe the intention in adding that
10   modifier was that complaint would be interpreted
11   in the broadest sense. So a complaint could be a
12   complaint made between an employee and a
13   supervisor, a complaint could be a lawsuit filed
14   in a court, federal or state, a complaint could be
15   made with a state agency or a federal agency.
16   Does that make it more clear?
17 A   Sure.
18 Q   What did you do to prepare yourself to testify
19   with regard to topic number 14?
20 A   I, again, spoke to counsel and instructed them to
21   review their records, as well as records from
22   human resources, as to whether there were any
23   complaints on record.
24 Q   And was that the same conversation that you
25   testified before previously which happened about a

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1   week ago with counsel?
2 A   It was.
3 Q   It was not a separate conversation?
4 A   Correct.
5 Q   Did Ms. Peterson and Bjorklund participate in that
6   conversation a week ago?
7 A   In the conversation with me?
8 Q   Correct, the one with counsel.
9 A   No.
10 Q   Okay. But they were called upon after the
11   conversation to participate in the searches?
12 A   Correct, by counsel.
13 Q   Okay. Did they also participate in the searches
14   with regard to question number 14?
15 A   I believe so, yes.
16 Q   And what do you base your belief on?
17 A   The report back from counsel on their findings.
18 Q   Is that the same report that you received
19   yesterday with regard to question number 13?
20 A   The same meeting, yes.
21 Q   Same meeting. Okay.
22 A   Different question on the document here.
23 Q   Okay. Do you have any other information about how
24   the inquiries were run to find out if they're
25   responsive information with regard to question 14?

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1 A   I believe that counsel asked Jamie and Jen whether
2   they had any complaints and may have reviewed
3   documents that HR had.
4 Q   Do you know --
5   MR. FINKEL: David, if I may
6   interrupt on this just for the record, since
7   it is counsel who obtained information from
8   Mr. Martin on that, the query that we used
9   did not define compensation practices as
10   being an employee who doesn't think they're
11   paid enough. It related more to whether an
12   employee is claiming that there was something
13   that could be construed as a wage hour
14   violation.
15   MR. ZOELLER: Okay, and I -- I
16   think I'm getting what you said. But when
17   you say not paid enough, that doesn't mean a
18   failure to pay overtime --
19   MR. FINKEL: Correct.
20   MR. ZOELLER: -- or a failure to
21   pay wages for hours worked. It means I think
22   I deserve a raise?
23   MR. FINKEL: Correct.
24   MR. ZOELLER: Okay.
25   MR. FINKEL: Correct. And the

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1   second thing is, on that broad topic, we
2   limited that to technical writers.
3   MR. ZOELLER: Okay.
4   MR. FINKEL: Especially for
5   internal complaints.
6   MR. ZOELLER: Okay. So the search
7   was done -- limited to a technical writer
8   complaining up the chain that --
9   MR. FINKEL: Uh-huh.
10   MR. ZOELLER: -- they did not
11   believe they were paid correctly?
12   MR. FINKEL: Up the chain or to
13   anyone within Epic.
14   MR. ZOELLER: Okay.
15 Q   As your counsel characterized the way the search
16   was run, were there any -- was anything found
17   responsive to topic number 14?
18 A   There was one potential complaint found in
19   response to number 14.
20 Q   Okay. Who filed the potential complaint?
21 A   I believe it was filed by Dayna Long.
22 Q   Who was it filed with?
23 A   It was noted during her exit interview.
24 Q   So in order to get that document, I'm assuming the
25   notes from the exit interviews had to be searched.

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1   Is that how this was discovered?
2 A   I don't know specifically how it was discovered,
3   whether they were searched, whether they were
4   reviewed individually. I don't know specifically
5   what was done to search for it.
6 Q   But based on that search, it turned up notes from
7   an exit interview of Ms. Long?
8 A   That is correct.
9 Q   Who participated in that exit interview?
10 A   I don't know who took the exit interview. A
11   member of the HR group.
12 Q   Is that denoted on the document?
13 A   It likely would be, yes.
14 Q   Okay. You just don't recall who it was?
15 A   I didn't review the portion of the document that
16   would have had that noted.
17 Q   Okay. What portion of the document did you
18   review?
19 A   The portion where she noted that she wished she
20   was paid more.
21 Q   Did she wish she was paid more or wish she was
22   paid overtime? What specifically did it state?
23 A   That she wished she was paid more for working
24   more. She felt that the fact that other roles
25   made more than she did was cause for her feeling

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1   that she should be paid more.
2 Q   Okay. And you got a chance to hear the way your
3   counsel characterized the search and the results
4   that were pulled; correct?
5 A   I did.
6 Q   Okay. Would you characterize the way she was
7   complaining to be that she was complaining she was
8   not paid more because she was working more hours?
9 A   I would characterize it as someone who wanted to
10   be paid more. That's why I used the word
11   potential complaint, because I don't know whether
12   she was asking for overtime or just asking for,
13   you know, she wanted to be paid more because she
14   had, you know, put in a certain amount of time.
15 Q   Okay. Was that the only document that you saw?
16 A   It is.
17 Q   Do you have any information here today about the
18   specifics of how the search was performed?
19 A   I do not.
20 Q   Beyond Ms. Patterson and Ms. Bjorklund, do you
21   have any information about the individuals who
22   performed that search?
23 A   Not other than my asking of counsel and them
24   returning with results that, you know, spoke to
25   having talked to Jamie and Jen.

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1 Q Do you know what kind of search they would perform
2   to turn up results in an exit interview?
3 A I don't offhand.
4 Q Do you know what system the notes for exit
5   interviews are kept in?
6 A I don't know specifically what system they're kept
7   in.
8 Q Who at Epic would have the most knowledge about
9   that?
10 A Brian Benz would likely be able to speak to what
11   system the notes are kept in.
12 Q Would he also be the information to talk to about
13   what method would be employed to -- I'm going to
14   use the word mine, but search is another word --
15   search for specific terms in exit interviews
16   amongst tech comm team members?
17 A He may be able to. Without conferring with
18   counsel on what Jamie and Jen did, I don't know
19   who would have helped them in that question.
20 Q But your testimony is that Mr. Benz likely would
21   be somebody who would have that kind of
22   information?
23 A He may be someone who would have that type of
24   information.
25 Q Are you aware sitting here today of anybody better

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1   situated than Mr. Benz to offer that kind of
2   information?
3 A Not offhand, no.
4 Q Is there a document that you could look at that
5   would help you identify who would be better
6   situated to give information on how to run a
7   search like that?
8 A Not that I can think of, no.
9 Q So with regard to both topics number 13 and 14,
10   the only responsive document that you've seen or
11   information responsive that you've heard about has
12   been this what you called a potential complaint
13   from Mrs. Long during her exit interview; is that
14   correct?
15 A Correct.
16 Q I'm going to direct your attention now back to
17   Exhibit No. 1, and you'll see on the notice on
18   February 23rd one of the topics that you've been
19   asked to give testimony about is topic number 7.
20   Now, I'll represent to you that that topic
21   has also been held out for February 25th. And
22   what I would like to know, just so that we don't
23   get into a situation where we get to the 25th and
24   we kind of miss the testimony that we want to get
25   about that topic, what I'm interested to know is

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1   specifically about the TLG system. Are you
2   familiar with the TLG system?
3 A I am.
4 Q Okay. And I want to know about what kind of
5   reports can be generated from the TLG system,
6   specifically with regard to technical writers. Do
7   you understand that?
8 A I understand --
9 Q Okay.
10 A -- your statement.
11 Q Okay. I want to know about how to run the
12   reports, how much time it takes to run the
13   reports, and what kind of reports can be
14   generated.
15   MR. ZOELLER: Noah, if you can hold
16   on a second, I think I'm going to get to
17   where you're getting to.
18   MR. FINKEL: Okay.
19 Q Is that clear?
20 A Is it clear that you want to understand how
21   reports can be run?
22 Q Yep.
23 A Yes.
24 Q Okay. And do you believe you're the best person
25   to give testimony about that or do you believe it

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1   might be somebody else?
2 A I believe it would be someone else.
3 Q Okay. And who do you believe that person to be?
4 A Brian Benz.
5 Q Thank you.
6   MR. ZOELLER: Thanks, Noah.
7   MR. FINKEL: Yeah. No, that's
8   fine.
9   MR. ZOELLER: I just wanted to make
10   sure that we were going to get it from
11   Mr. Benz.
12   MR. FINKEL: Yes.
13 Q Okay. I'm going to direct your attention now to
14   topic number 11. So take a look at topic 11 in
15   Exhibit 1. Read it carefully. And let me know if
16   you have any questions about what is being asked
17   in that topic.
18 A No questions.
19 Q No questions. And by that, it's clear to you what
20   is being asked in topic number 11?
21 A It is.
22 Q Okay. What did you do today to prepare yourself
23   to give testimony about topic number 11?
24 A I didn't do anything today to prepare for topic
25   number 11.

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1 Q   Did you do something prior to today to prepare for
2   it?
3 A   Yes. I spoke with Cate Venezuela and Andy Dolan
4   to prepare for topic number 11.
5 Q   Okay. Can I refer to them as Cate and Andy?
6 A   That's fine.
7 Q   Okay. Did you have conversations with anybody
8   other than Cate and Andy to prepare yourself for
9   topic number 11?
10 A   I did not.
11 Q   When did you --
12 A   Other than counsel was in the room during the
13   discussion.
14 Q   With those two. When did you have that
15   conversation with Cate and Andy?
16 A   Last week.
17 Q   Is this the same conversation that we referenced
18   before with regard to topics number 13 and 14?
19 A   It was the same preparation session.
20 Q   Okay.
21 A   Different topics, a different --
22 Q   Yep.
23 A   -- period of time.
24 Q   How long did that session last?
25 A   A couple of hours.

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1 Q   And with regard to the training for technical
2   writers, prior to that conversation with Cate,
3   Andy, and counsel, had you had any exposure to the
4   training of technical writers at Epic prior?
5 A   Some.
6 Q   Okay. And you testified before that you've worked
7   at Epic for 19 years; correct?
8 A   Just under, yes.
9 Q   Okay. So at some point within your 19 years
10   you've had exposure?
11 A   Yes.
12 Q   When was that?
13 A   Throughout the -- throughout the past decade or
14   two, interacted with a variety of aspects of
15   technical communications training.
16 Q   Okay. In a general sense or have you had any
17   experiences specifically that gave you knowledge
18   about the training of technical writers?
19 A   There are certainly things in specific about the
20   training of technical communications staff that
21   I'm familiar with.
22 Q   About the staff, is that --
23 A   The people, the types of people who would train
24   the technical communications staff, yes.
25 Q   Okay. And who is that group that's responsible

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1   for training the technical communications staff?
2 A   There are two groups responsible for that.
3 Q   Okay. And I want to make sure that we're still
4   talking about during the time period relevant to
5   the deposition. You understand that?
6 A   I do.
7 Q   Okay. That period between 2012 and 2014 that
8   we've identified previous?
9 A   Correct.
10 Q   Okay. So during that time period there were two
11   groups that were responsible for the training of
12   technical writers?
13 A   Correct.
14 Q   And what are the two groups?
15 A   The two groups are the training team and the
16   technical communications group itself.
17 Q   How many people are in the training team?
18 A   I don't know offhand.
19 Q   Under 100?
20 A   I would hypothesize higher, but I don't know for
21   sure.
22 Q   Under 200?
23 A   Again, I don't know. I don't know offhand.
24 Q   I'm not asking you for a specific number. I
25   really just want a general sense.

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1   So to the extent that you can give me a range
2   that you would be -- think would be reasonable,
3   can you give me a range of the number of people
4   that you believe work on the training team?
5 A   Between 50 and 300.
6 Q   Is the training team growing?
7 A   During this time period?
8 Q   Yes.
9 A   I'm sure it grew a bit during that time period.
10 Q   Okay. Has it grown significantly during the
11   19 years that you've worked there?
12 A   Yes. The company as a whole has grown during the
13   19 years. We were 200 people when I started.
14 Q   Okay. Because that's a pretty broad range, 50 to
15   300, and I'm trying to understand why you wouldn't
16   be able to pin it down a little bit more tightly.
17   Is there a reason why?
18 A   No. I've just never looked at how many people are
19   in that group.
20 Q   What aspects of training for technical writers
21   would the training team be responsible for?
22 A   The training team would be responsible for
23   teaching the technical writers, like many other
24   roles at Epic, to be system analysts and expert in
25   one or more of the software applications that

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1   are --
2 Q Let's do it this way.
3 A -- part and parcel to what we do at Epic.
4 Q When a brand new technical writer comes on board,
5   I imagine that there is some trainings that they
6   have to go through. Is that correct?
7 A Yes.
8 Q That all technical writers would go through?
9 A There is a variety of types of training that --
10 Q I'm talking about brand new technical writers.
11   The first, let's say, month that they're working
12   there. I imagine there is some kind of mandatory
13   training you have as part of your onboarding?
14 A There is some HR-type training, an overview of
15   Epic.
16 Q Is there an orientation?
17 A There is a sort of overview of Epic applications,
18   a variety of overview of various systems type of
19   training.
20 Q Is there a name given to that training?
21 A Portions of it would be called Epic 360.
22 Q Do all tech writers go through Epic 360?
23 A I believe so, yes.
24 Q Okay. You said portions. So are there portions
25   that would be called something else?

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1 A General orientation.
2 Q Okay. So there is a general orientation?
3 A Correct.
4 Q And all tech writers would go through that?
5 A I believe so, yes.
6 Q Okay. And, again, we're talking about this time
7   period of initial onboarding, and I'm trying to
8   identify all the trainings that all tech writers
9   would go through during that process.
10   Besides Epic 360 and this general
11   orientation, are there others?
12 A They would all go through one or more application
13   camps.
14 Q And how soon would the app camp portion of the
15   training take place?
16 A Probably start in their second month.
17 Q Second month. Okay.
18 A I believe so.
19 Q So maybe a little bit past what I was describing
20   as the initial onboarding. Fair enough?
21 A Likely.
22 Q Okay. And all tech writers would go through an
23   app camp?
24 A Correct.
25 Q And so you divided training responsibility between

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1   two groups: The training team and the tech comm
2   group. These trainings -- we've listed three so
3   far -- would those fall under the purview of the
4   training team?
5 A Most of that would fall under the purview of the
6   sort of learning or HR team.
7 Q Okay.
8 A Overview of benefits and things like that, if we
9   want to classify that as training, which it sounds
10   like is what you're trying to do.
11 Q Yeah.
12 A Then that would include members of HR and other
13   groups --
14 Q Okay.
15 A -- conducting training on subjects like benefits
16   and things like that.
17 Q Okay. Who has primary responsibility for
18   organizing and holding the Epic 360 training?
19 A I don't know specifically. A member of the
20   learning team.
21 Q A member of the learning team. I think I called
22   it the training team. You may have used that term
23   before. Are those --
24 A The training team is separate.
25 Q -- synonymous?

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1 A The training team is separate.
2 Q The training team is separate from the learning
3   team?
4 A Correct.
5 Q How do you distinguish between what the learning
6   team does and what the training team does?
7 A The learning team is internally focused on
8   especially the new orientation process. The
9   training team is focused on teaching staff, both
10   Epic employees as well as customer staff, to be
11   system analysts and expert in the Epic
12   applications.
13 Q So the training team is focused on Epic's
14   applications; is that correct?
15 A Among other things, yes.
16 Q And would that be the team that would also
17   train -- I'm going to call them individuals from
18   the outside, people in hospitals, et cetera, that
19   wanted to have an Epic training, is that the group
20   that would give them that training?
21 A It would be the group that would perform the
22   system analysts training. The end-user training
23   of doctors and nurses is generally performed by
24   the healthcare organizations themselves.
25 Q Epic has people on site to give training; correct?

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1 A   On site in Verona or on site at our customer
2   sites?
3 Q   On site in Verona.
4 A   Yes, we do.
5 Q   And are those trainings given by the training
6   team?
7 A   They are.
8 Q   Not the learning team?
9 A   Correct.
10 Q   The learning team is more focused on giving
11   training to people internally at Epic about how
12   Epic works?
13 A   Correct.
14 Q   So the general orientation the tech writers
15   receive, which group is primarily responsible for
16   that training?
17 A   The general orientation, including things like
18   benefits, would be the responsibility of the
19   learning team.
20 Q   Okay. What about app camp?
21 A   Application camp would be the responsibility of
22   the training team.
23 Q   Who is the head of the learning team currently?
24 A   Sarah Caruso, I believe. No. Katie Taylor.
25 Q   Do you know how long she's been in that role?

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1 A   I don't offhand. Six months maybe.
2 Q   Okay. Do you know who preceded her?
3 A   I believe Sarah Carroll.
4 Q   Do you know how long she was in the role?
5 A   Several years.
6 Q   In likely the years covered by this lawsuit?
7 A   Likely.
8 Q   Who is the head of the training team?
9 A   Rich Kasper.
10 Q   Do you know how long he has held that position?
11 A   Six to nine months.
12 Q   Do you know who preceded him?
13 A   I believe that Andrea Bolan preceded him.
14 Q   Do you know how long Andrea was in the position?
15 A   Several years.
16 Q   Okay. Likely the period covered by the lawsuit,
17   then?
18 A   Likely.
19 Q   You were going through these trainings with me
20   that all tech writers would go through when they
21   were onboarding. Epic 360 was identified, the
22   general orientation was identified, and then an
23   app camp was identified; correct?
24 A   One or more app camps depending upon the area that
25   an individual was going to work in.

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1 Q   Okay. And the testimony was that everybody would
2   go through at least one app camp; correct?
3 A   Yes.
4 Q   Beyond what we've identified, are there other
5   trainings that all tech writers would go through
6   during their onboarding? Let's bring it out to,
7   like, the first six months now.
8 A   There is training performed by the tech comm group
9   itself of --
10 Q   What training would tech comm perform?
11 A   A variety of things depending upon the role of the
12   individual tech comm employee. There are several
13   subgroups of tech comm, and each is trained
14   slightly differently.
15 Q   Are you talking about boot camp?
16 A   I don't know it specifically by that name. I'm
17   talking about there are several roles from support
18   writers who are trained differently than install
19   writers who are trained differently than the
20   training writers.
21 Q   Yeah, and I think I can maybe help you in this
22   regard.
23   MR. KNUTSON: So why don't I mark
24   this one. Give me two seconds. I want to
25   make sure I have the right one.

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1   (Exhibit No. 12 marked for
2   identification)
3   MR. FINKEL: Can I get a copy too?
4   MR. ZOELLER: Yeah, you can. We're
5   good.
6 Q   What exhibit number are we on?
7   MR. FINKEL: This is 12.
8 A   12.
9 Q   12. Okay. I'm showing you now what's been marked
10   as Exhibit No. 12. Have you ever seen this
11   document?
12 A   I have not.
13 Q   There is a URL, or a path, on the bottom left-hand
14   side of the document. Do you see that?
15 A   I do.
16 Q   Looking at that, can you tell me where you think
17   this document would be found within Epic?
18 A   On a wiki.
19 Q   Do you know which wiki?
20 A   It looks like a portion of the main wiki, some
21   sort of subset called tech comm.
22 Q   Is this something that would be available to
23   everybody that worked within tech comm?
24 A   I believe so, yes.
25 Q   You were just referencing a training that would be

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1   put on by tech comm that might be a little bit
2   more specific to what the writers do than the
3   trainings we've already talked about. Is that a
4   fair characterization?
5 A   Could you repeat the question?
6   MR. ZOELLER: Yes. She can read it
7   back, if you don't mind.
8   (Question read)
9 A   Yes, it is.
10 Q   Okay. And I used the term tech comm boot camp,
11   and you testified that you weren't familiar with
12   that term specifically; right?
13 A   Correct.
14 Q   Okay. Take a look at the top of this document
15   that gives an overview of what this training is.
16   Do you see that?
17 A   I do.
18 Q   So looking at that overview, and you can go ahead
19   and look at the following pages as well, does this
20   look like the kind of training that you were just
21   referencing that all tech employees would go
22   through during their initial onboarding that was a
23   little bit more specific to what they would be
24   doing as tech writers?
25 A   I think this provides a high-level summary of at

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1   least pieces of that training that new employees
2   would go through or that employees switching
3   between focus areas within tech comm would go
4   through.
5 Q   It's your understanding that all employees -- all
6   tech comm employees go through this training being
7   described in Exhibit 12 which is referred to in
8   the exhibit as tech comm boot camp?
9 A   I believe that all tech comm employees would go
10   through portions of the training described in
11   here.
12 Q   Depending on whether they were going to work in
13   feature, install and improvement, or training?
14 A   Correct.
15 Q   And it's a physical document, and it's in black
16   and white so it's hard to tell, but what I'm
17   wondering about is as you're in the wikis, for
18   example, under feature, I can see five different
19   items, I'll call them, right there under feature.
20   Do you see that?
21 A   I do.
22 Q   Would it be your expectation that you could click
23   on any of those items and pull up a document or
24   another wiki?
25 A   I didn't know if you were done.

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1 Q   I am done.
2 A   Okay. Given the hyperlink on -- what appears to
3   be a hyperlink on the far right labeled "show," I
4   would expect that clicking on that would do
5   something, provide more detail in some way.
6 Q   Okay. So there could be more detail behind each
7   of these areas that have "show" indicated on the
8   right if you're able to open up that document?
9 A   There may be more, yes.
10 Q   Okay. And it would just take a second or two to
11   click show and see what that was?
12 A   If we used the term from the Style Guide, I think
13   it might have been hover, but yeah.
14 Q   If you hovered. This is probably more of a topic
15   for two days from now. Do you know within the
16   wikis if these are preserved historically so that
17   we could look at the wikis specific for the period
18   relevant to the lawsuit?
19 A   I don't know.
20 Q   This training now, I'll call it tech comm boot
21   camp, though, that tech comm members would be
22   going through, they would be expected to follow
23   what they learned within their training; correct?
24 A   They would be expected to follow what they
25   learned?

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1 Q   Correct.
2 A   We teach smart, capable people to be independent
3   and use the knowledge that they're given to do
4   their job.
5 Q   Correct. But you're putting on the training so
6   that they might follow what they learned within
7   the training?
8 A   We're putting on the training so that they
9   understand and have the basics for how to do their
10   job, but their job is not fully contained by the
11   training or we wouldn't need to, you know, have
12   people that are able to build upon that as they do
13   their work.
14 Q   Okay. Because you're hiring people with, most
15   likely, no background in Epic's software?
16 A   Correct.
17 Q   So they're going to need the training to be able
18   to perform their job?
19 A   They will need the training in order to be expert
20   system analysts and understand how we approach
21   things like documentation and things like that to
22   perform their job.
23 Q   Because many of these individuals are starting
24   from scratch in these areas and they need the
25   training to become experts, as you describe it;

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1   correct?
2 A Yes. They are starting without any preexisting
3   Epic knowledge.
4 Q Which most people are in the tech writer role;
5   correct?
6 A Which most people are in all the roles at Epic.
7 Q But a tech writer might even be coming in with no
8   background in software development or anything
9   like that whatsoever until they start the job;
10   correct?
11 A They may be coming in with an English background
12   or a journalism background in preparation for
13   writing on a day-to-day basis, yes.
14 Q And they could be hired if they had never had a
15   computer science course in their life?
16 A They could, yes.
17 Q And this could be some of their first exposure to
18   the specifics of healthcare software?
19 A Many would have interacted with the software as a
20   patient in some capacity, whether our software or
21   a competitor's software.
22 Q So they might have used MyChart or something like
23   that as a consumer?
24 A Yep, as you may have as well.
25 Q Okay. We're going through various trainings.

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1   We've identified another one now, tech comm boot
2   camp, which you said would be put on by the tech
3   comm folks as opposed to the learning team.
4   Are there any other trainings that you would
5   expect all technical writers to go through as a
6   part of their kind of first six months of
7   onboarding?
8 A There is training such as the overview of Cumulus.
9 Q Okay. And that's to teach them how to use
10   Cumulus?
11 A Correct.
12 Q And as I understand Cumulus -- Actually, why don't
13   you give me an explanation of what Cumulus does.
14 A Yeah. Cumulus is a content management system. It
15   is a place where information is aggregated and can
16   be assembled into one or more types of document
17   deliverables based on the need.
18 Q Would most tech writers be spending the majority
19   of their time working within Cumulus?
20 A It is one of several tools that technical writers
21   may use during the course of their day.
22 Q Is it the primary tool?
23 A I don't know how to characterize the primary tool.
24   They use Microsoft Windows. Is that the primary
25   tool that they use for their day? It is one of

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1   the applications that they will have running on
2   their desktop when they are creating content. It
3   is the tool in which they would author a lot of
4   the content that they write.
5 Q So they author a lot of the content that they
6   write within Cumulus?
7 A Correct.
8 Q You've now listed Cumulus training as another
9   training that they would all go through. Who puts
10   that on?
11 A I believe the tech comm group does.
12 Q Okay. Any other trainings that they would go
13   through?
14 A There is a Writing at Epic curriculum.
15 Q Okay. Who puts that on?
16 A The tech comm group does.
17 Q Is there a prescribed time period where they have
18   to go through that training?
19 A I believe we would like employees to get through
20   it in their first six months.
21 Q And all tech writers have to go through the
22   training?
23 A I believe so, yes. We're killing trees again.
24 Q We'll get back somehow, some way.
25   MR. ZOELLER: I'm going to mark

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1   four exhibits.
2   (Exhibit Nos. 13 through 16 marked
3   for identification)
4   MR. ZOELLER: If anyone gets one
5   with highlights, please give them back. I
6   don't think I've done that.
7 Q Okay. I've now produced for you four documents
8   which have been marked Exhibits 13, 14, 15, and
9   16. Do you see those?
10 A I do.
11 Q You just testified that you're familiar with the
12   Writing at Epic course that all tech writers have
13   to go through; is that correct?
14 A Correct.
15 Q Looking at the documents in front of you, would
16   each of these -- and you can take time with them,
17   I gave you a bunch -- but do each of these
18   documents look like the type of documents that
19   would be used at the -- during the Writing at Epic
20   course?
21   MR. ZOELLER: I'm going to switch
22   the exhibit here. I gave the witness my
23   highlighted copy. I'll give him a clean copy
24   of 13, Writing at Epic.
25 Q After reviewing these four sets of documents, does

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1 each of these look like a type of document that
2 would be used during the Writing at Epic course
3 that every tech writer would have to go through?
4 A They look like they're probably from that course.
5 Q Do you have any reason to believe that any of
6 these would not be from that course?
7 A I do not, no.
8 Q Do you have any knowledge that there are documents
9 related to that course besides the ones put in
10 front of you that would have been given to a
11 technical writer or used by the staff putting on
12 that course?
13 A I don't know of any other documents one way or the
14 other.
15 Q Who is the person most knowledgeable about the
16 Writing at Epic course?
17 A I don't know.
18 Q Who would you ask to find out?
19 A I would ask Cate Valenzuela or Andy Dolan.
20 Q You may have testified to this already, but is the
21 Writing at Epic course a course that would be put
22 on by the tech comm team?
23 A Correct.
24 Q Are there people in the tech comm team that are
25 designated as trainers or would the group who puts

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1 this on rotate or do you have any knowledge either
2 way?
3 A There are likely people within the tech comm team
4 that are responsible for imparting the details of
5 this curriculum to other members of the tech comm
6 staff.
7 Q But I would have to ask Cate or Andy to find out
8 who those individuals are?
9 A Correct.
10 Q With this course and the materials, would it be
11 your expectation that technical writers are
12 trained on the manner of Writing at Epic in the
13 six-week course and that they're expected to
14 follow their training?
15 A As I've testified before, the Writing at Epic
16 course is one of many portions of the tech comm
17 training and would expect people to build upon the
18 training that they are given in their day-to-day
19 job.
20 Q But you would expect them to follow what they
21 learned in the Writing at Epic course?
22 A I would expect them to understand what they
23 learned and apply it appropriately.
24 Q Okay. And if they weren't applying what they
25 learned in the Writing at Epic course, is that

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1 something that could potentially subject them to
2 discipline?
3 A If they weren't applying their training in an
4 appropriate fashion, it is something that may
5 factor into their performance assessment.
6 Q If you were writing in a manner other than the
7 manner prescribed by the Writing at Epic course,
8 that is something that could reflect negatively on
9 your performance?
10 A It would depend on the deliverable at hand. There
11 may be deliverables that the tech comm group
12 creates that are done outside of the, you know,
13 standards specified by a given type of training.
14 Q Would that be a rare exception?
15 A I guess how do you define rare?
16 Q Less than 90 percent of the time?
17 A Likely, yes.
18 Q Okay. So at least 90 percent of the time they're
19 expected to follow what they're learning in the
20 six-week writing course at Epic?
21 A They're expected to build upon what they learned
22 in the six-week Writing at Epic course, as well as
23 the application camp and the other training that
24 is given to the technical communications staff.
25 Q They're expected to follow all of those trainings

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1 and potentially build upon them?
2 A They're expected to incorporate the learnings from
3 the training into their day-to-day work.
4 Q And do their jobs in accordance with the training?
5 A Do their jobs in accordance with the knowledge
6 imparted in the training, which is teaching the
7 foundational subjects upon which they, you know,
8 use independent decisionmaking to apply.
9 So we're done with this stack, at least
10 temporarily?
11 Q Yeah. I just want to ask one more question about
12 those. You've had a chance to look at them, and I
13 previously asked you if you have any reason to
14 believe that any of these documents wouldn't be
15 the type of documents used in the Writing at Epic
16 course. And you testified that these are, indeed,
17 the type of documents that would be used in the
18 Writing at Epic course; correct?
19 A I testified that these look to be documents that I
20 would expect to be used during a Writing at Epic
21 course.
22 Q You don't have any information that they're part
23 of another course or part of a course that was not
24 a mandatory course for technical writers; correct?
25 A I don't.

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1 Q   Yes, you can put them away.
2 A   If I move the pile here, she won't see me down
3   there.
4   MR. ZOELLER: All right. Now I'm
5   marking Exhibit No. 17, I believe.
6   (Exhibit No. 17 marked for
7   identification)
8   THE WITNESS: Thank you.
9 Q   Have you seen a document like this before?
10 A   Have I seen a wiki? Yes.
11 Q   Okay. And so your testimony is that this document
12   is a wiki?
13 A   Yes. That's what it says in the upper left
14   corner.
15 Q   And this would be a wiki that would be accessible
16   to all tech comm employees?
17 A   I have no reason to believe otherwise.
18 Q   I'd direct you to the paragraph that starts --
19   excuse me -- at the bottom of the first page,
20   Orientation (Weeks 1 & 2), and that continues on
21   to the second page of the document, 2544, about
22   halfway down the document. I can give you a ruler
23   if you need it, but do you see where that break
24   is?
25 A   Uh-huh.

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1 Q   In looking at that, is that an accurate
2   description of what happens in the orientation
3   that you've testified about already today?
4 A   Can you repeat the question?
5 Q   Yeah. Looking at the orientation that starts on
6   2543 and continues to 2544, does that provide an
7   accurate background of what happens in
8   orientation, the mandatory orientation that all
9   tech writers would go through?
10 A   It is an accurate representation of what I believe
11   weeks one and two of that broader orientation
12   program to represent. It is just the first two
13   weeks of what appears to continue on subsequent
14   pages about tech comm training.
15 Q   Fair enough. Fair enough. The next one that's
16   mentioned there is Applications Certification. Do
17   you see that?
18 A   I do.
19 Q   Is that the same thing as app camp?
20 A   I would use the two synonymously.
21 Q   You would, okay. And as you see that description
22   of app camp, is there anything in that description
23   that's different than what you've previously
24   testified is the application-specific training
25   that all tech writers would have to go through?

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1 A   That's a reasonable summary of the application
2   certification process that tech writers, along
3   with other roles, would go through to become
4   system analysts.
5 Q   Okay. And all tech writers go through that?
6 A   They all go through at least one or more
7   application certifications.
8 Q   And the next area I'm going to direct you is Six
9   Month Requirements: Tech Comm Boot Camp (All
10   Writers). Do you see that?
11 A   I don't.
12 Q   I'm on 2545, halfway through the page. In
13   italics, it is a description of what tech comm
14   boot camp is. Do you see that?
15 A   The next page.
16 Q   2545 is the number at the bottom.
17 A   I don't have a number at the bottom. I have a
18   bunch of square boxes.
19 Q   Did they cut it off? That's unfortunate.
20 A   But I do see where it says tech comm boot camp.
21 Q   Okay.
22 A   I see that section.
23 Q   And is that an accurate description of the role-
24   specific training that all tech writers would have
25   to go through?

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1 A   I believe it to be an accurate description of the
2   next portion of the trainer requirements that
3   writers will go through. They will then also go
4   through additional training based on the area that
5   they're going to work in.
6 Q   And I'll represent to you too that there are other
7   trainings represented in this document, and I'm
8   not going to ask about every single one.
9   All right. The next one mentioned there on
10   the subsequent page -- I'm sorry the Bates numbers
11   didn't come through on yours -- is Writing at
12   Epic. Do you see that at the top?
13 A   I do.
14 Q   We talked about the Writing at Epic course, and
15   same question with this. Is that an accurate
16   representation about the Writing at Epic course
17   you testified that all tech writers would go
18   through?
19 A   A simplification of what, I'm sure, a much longer
20   description of the training entailed.
21 Q   Okay. And you just pointed to Exhibits No. 13
22   through 16?
23 A   Correct.
24 Q   The last question about this exhibit. Throughout
25   there is a number of what it looks like documents

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1   referenced that are in a lighter-colored font. Do
2   you see that?
3 A I see several things that are likely different
4   colored fonts.
5 Q Yeah, and I'll direct you to one as an
6   illustration. So on the second page, at the top
7   right you see Tech Comm Role Based Training?
8 A Yep.
9 Q Do you see where it says that? Below that there
10   are three documents that have what looks to me
11   like clouds and are written in a lighter-colored
12   font. Do you see that?
13 A I do.
14 Q First of all, do you have a better understanding
15   of what that icon is that I said looks like a
16   cloud?
17 A I believe it to be a cloud in front of a rainbow.
18 Q A cloud in front of a rainbow. And what does the
19   cloud in front of a rainbow connote to you within
20   the wiki?
21 A Based on the context and other references in here,
22   I believe it to be a link to the Brainbow system.
23 Q Okay. And a specific document within the rainbow
24   system?
25 A Brainbow.

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1 Q Brainbow, with a B?
2 A Otherwise, she'll ask me to correct it later.
3 Q Yes, she will. Same question, though. It would
4   be your expectation that you could click on that
5   and it would pull up a document within the
6   Brainbow system?
7 A I would expect that to take you to a page in the
8   Brainbow system which may be a description of a
9   class, it may -- that class may have subclasses to
10   it, it may have documents linked from that
11   element.
12 Q So those all link to kind of deeper information
13   about what's covered here generally?
14 A Likely, yes.
15 Q Okay. I see another kind of icon on that same
16   page -- two more, actually. So if you're halfway
17   through the page, application camp projects and
18   exams, I see two items in a lighter-colored font
19   on the bottom. One has, it looks like, a box and
20   an arrow?
21 A Yes.
22 Q And another has what I can only describe as a
23   swirly thing.
24 A I'm with you on the swirly thing.
25 Q Okay. What does a box with the arrow connote to

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1   you?
2 A I believe that is a link to another document or
3   possibly another wiki.
4 Q Within the wiki or within another system like
5   Brainbow or something else?
6 A I don't know specifically for this one.
7 Q Okay. But, like the Brainbow links, you would
8   expect that we could click on that and get to a
9   document to give us a little bit of a deeper
10   understanding?
11 A Likely, yes.
12 Q Okay. And what about the icon I described as a
13   swirly thing?
14 A It looks like a swirly thing.
15 Q Okay. Do you know what that would link to?
16 A I do not.
17 Q Okay. Have you encountered that in the wikis
18   before?
19 A I have not seen that particular icon before, no.
20 Q But would you expect that you could click on that
21   and navigate your way to a document that gave you
22   a deeper understanding of what was being
23   referenced there?
24 A That would be my expectation.
25   Do we have much more or could we take a

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1   break?
2 Q I can get this done in five minutes --
3 A Okay.
4 Q -- if you can wait with me.
5 A We can do that.
6 Q But if you need to go, you're free to go.
7 A No. Let's get through.
8 Q All right.
9   (Exhibit No. 18 marked for
10   identification)
11 Q Can you tell me what the document number is on
12   that one?
13 A 18.
14 Q Okay. I'm showing you now what's been marked as
15   Exhibit No. 18. Have you ever seen this document?
16 A I have not.
17 Q Have you ever seen a document like it?
18 A An overview of some sort.
19   MR. FINKEL: You already gave me
20   one.
21 Q And my question about this document is pretty
22   simple. We've gone through a bunch of different
23   mandatory trainings that tech comm folks would go
24   through. Can you place this within any of those
25   trainings?

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1   A   I think it may be what's referenced at the -- In
2   the orientation weeks one and two, you also take
3   Overview of Tech -- of the Tech Comm Team.
4   Q   Okay.
5   A   And I did also discover what the swirly thing icon
6   means.
7   Q   Go ahead.
8   A   It refers to a link to Galaxy --
9   Q   Okay.
10 A   -- which is our online documentation portal that's
11   used by Epic staff and customers and is one of the
12   deliverables that the publication team creates.
13   So it's a link to a document that's
14   accessible both internally and externally.
15 Q   Okay. So it's a link to a document. When you say
16   externally and internally, does that mean that a
17   customer might also have access to the same
18   document in that system?
19 A   Correct.
20 Q   So your belief is this document that I've given
21   you is part of the orientation training?
22 A   Based on the information available to me at this
23   moment, yes.
24 Q   Okay. And that would be training that every tech
25   comm who is hired on goes through?

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1   A   I would believe so, yes.
2   Q   Okay. That's it for that one. I hope I'm within
3   my five minutes.
4   A   It's not a crisis.
5   Q   I'm going to let you out soon.
6   (Exhibit No. 19 marked for
7   identification)
8   Q   Same question on this document. Looking at it, I
9   wasn't able to place what training specifically
10   this would be part of, and I was hoping you would
11   be able to shed some light on that for me.
12   I think you may have moved on to a separate
13   exhibit.
14 A   Yeah, because you asked me to try to place it in
15   the training.
16 Q   Okay. I'm sorry. Yeah. I thought you were still
17   trying to get the training.
18 A   I don't see a reference that would allow me to
19   place it in either the Orientation or the Tech
20   Comm Boot Camp (All Writers) period.
21 Q   Okay. Nor would it be any -- part of any training
22   that you could identify that's in Exhibit No. 17?
23 A   I don't see something specifically that suggests
24   that it would be the same type of -- the same
25   training.

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1   Q   Do you know who I would talk to at Epic to find
2   out who this document -- How to Write Good, to
3   find out what training this was used during?
4   A   I would start with Cate Venezuela.
5   Q   Any other individuals that you would identify that
6   might be able to help?
7   A   Andy Dolan might be able to help as well.
8   Q   Anybody else besides those two?
9   A   They would be who I would start with.
10   MR. ZOELLER: Okay. Thank you. We
11   can take a break.
12   MS. HANSEN: Going off the record,
13   end of DVD number 4. The time is 2:01.
14   (Recess)
15   (Mr. Knutson entered the
16   proceedings)
17   MS. HANSEN: We're back on the
18   record with DVD number 5. The time is 2:15.
19 Q   (By Mr. Zoeller) All right. We took a little
20   break, but you understand you're back giving
21   testimony under oath?
22 A   I do.
23 Q   All right. I'd refer you back to Exhibit No. 1.
24   Do you got it? Take a look at topic number 9.
25   You understand that's a topic you've been

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1   designated to give testimony about today to bind
2   Epic?
3   A   Yes.
4   Q   Looking at that topic, do you have any questions
5   about what was meant in that topic?
6   A   I don't.
7   Q   What did you do to prepare yourself to give
8   testimony about that topic?
9   A   I reviewed materials presented by counsel. I also
10   spoke, as described earlier, with the head of HR
11   in the presence of counsel.
12 Q   The same conversation that took place a year ago?
13 A   Yes.
14 Q   Was HR present during that conversation or did you
15   talk to HR after the conversation?
16 A   I talked to HR during the preparation session with
17   counsel present.
18 Q   Okay. And you reviewed documents?
19 A   Yes, I did.
20 Q   What documents did you review specifically?
21 A   I don't remember all of them. Some of the ones we
22   looked at earlier around the job postings.
23 Q   Anything besides job postings or a description of
24   the tech writer role that you reviewed?
25 A   One of the documents we looked at earlier around

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1   the overview of tech comm for the HR staff.
2 Q Any analysis of the type of people that they hire
3   for the tech comm positions that you reviewed?
4 A What do you mean by analysis of? The type of
5   people that they hire?
6 Q Whether they -- what type of degrees they have,
7   their age, GPAs, SAT/ACT scores, things of that
8   nature.
9 A No comparative analysis between individuals.
10 Q Okay. Any type of analysis that you did review?
11 A One of the documents that we looked at earlier had
12   a certain set of hiring criteria described in it.
13   If that's what you mean by analysis of those
14   things, then, yes, that list.
15 Q Yeah. But nothing that was doing a qualitative or
16   quantitative analysis of the characteristics of
17   tech writers that Epic hires?
18 A No.
19 Q And you said the head of HR was present during the
20   conversation and you talked about recruiting
21   specifically?
22 A Yes.
23 Q And what specifically about recruiting did you
24   discuss?
25 A I reviewed the sort of recruiting process that

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1   tech comm staff will go through to be hired by
2   Epic.
3 Q What did you learn about the process?
4 A We confirmed my knowledge of the various steps
5   and, you know, the involvement of different groups
6   in that process.
7 Q Okay. Could you just describe it for me briefly?
8 A Sure. So it's initiated with an individual
9   applying, so ultimately filing an application.
10 Q Okay. Do they do that on Epic's website or
11   somewhere else?
12 A That is one of the ways that they can apply.
13 Q Or could they mail it in?
14 A I believe during the time period in question they
15   could mail it in.
16 Q Okay. Any other way they could do it during the
17   time period in question?
18 A I believe they could also show up on campus if
19   they wanted to apply that way.
20 Q Okay. Just say, Here I am, here is my résumé?
21 A Yep.
22 Q Okay. What's the next step in the process?
23 A The next step sort of begins with, you know, after
24   the HR staff review the materials, if it's someone
25   that we want to move forward with based on the

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1   initial review of whatever information was
2   presented in the application, there is a phone
3   interview that is conducted with the individual.
4 Q Is there a standard set of documents collected in
5   the application materials?
6 A It would depend on the process by which someone
7   applied, but there is a standard application form
8   that is either completed online or historically
9   was completed on paper.
10 Q Okay. So there is a standard application form.
11   Do they typically submit a résumé?
12 A Often, yes.
13 Q Okay. Do they often submit a cover letter?
14 A Often.
15 Q Anything else besides the application form,
16   résumé, and cover letter that's connected --
17   collected at that initial application stage?
18 A Some people may have transcripts that they provide
19   at that point in time.
20 Q Are they required at that point?
21 A I don't know specifically when we capture them.
22   You know, we certainly will need them later in the
23   process, and some are go-getters and will bring
24   them expecting them to be needed.
25 Q Okay. When a tech writer applies with whatever

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1   set of materials they give Epic, be it online, in
2   person, by mail, where are those materials saved?
3 A I don't know specifically where the materials are
4   saved.
5 Q Do you know if they are saved?
6 A I believe they are.
7 Q And is that regardless of whether Epic makes a
8   decision to hire an individual or not?
9 A My understanding is that the materials are saved
10   for at least a period of time for all of the
11   applications filed.
12 Q Do you have knowledge about how long they would be
13   saved?
14 A I do not, no.
15 Q Who would?
16 A Someone like Jen Peterson would.
17 Q Okay. You were about to describe the next step in
18   the process, which I believe was a television --
19   telephone interview.
20 A Yes.
21 Q Correct?
22 A Correct.
23 Q Who conducts the telephone interviews?
24 A A variety of staff out of the tech comm role.
25 Q What do you mean, "out of the tech comm role"?

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Videotape 30(b)(6) Deposition of Stirling B. Martin
February 23, 2016

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1 A   So the tech com staff themselves will --
2 Q   Okay.
3 A   -- talk to the prospective candidate about,
4   you know, working at Epic. It's a little bit of,
5   you know, getting to know Epic, a little bit of
6   getting to know them.
7 Q   Do they record notes from those conversations?
8 A   Some people do.
9 Q   Is it a requirement to record notes?
10 A   I don't believe it to be a requirement. It is
11   certainly something that we ask them to do.
12 Q   If they are recorded, where are they recorded?
13 A   I believe they're recorded in an online system
14   that we use internally.
15 Q   What's it called?
16 A   I don't know specifically. I believe it's called
17   Insight.
18 Q   Is Brian Benz the individual best able to give
19   testimony about the capabilities of the Insight
20   system?
21 A   If that's where they are stored, yes.
22 Q   Do you have any specific knowledge about how to
23   search notes within Insight or what kind of
24   reports can be produced out of Insight?
25 A   I don't know.

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1 Q   Do you know specifically what kind of information
2   about candidates is kept within Insight?
3 A   I don't know.
4 Q   Do you know if any other system besides Insight is
5   used to collect information about applicants?
6 A   I presume that there are file folders with paper
7   records.
8 Q   Where are those physical files?
9 A   Stored on campus.
10 Q   Do you know how long they're kept for?
11 A   I do not, no.
12 Q   Do you know of any other electronic system besides
13   Insight that's used?
14 A   I believe that there are other systems involved.
15   I don't know which specific ones during the time
16   period in question.
17 Q   Who would have that knowledge?
18 A   Brian Benz would be someone to start with.
19 Q   Okay. What's the next step after the telephone
20   interview?
21 A   After that step, there is generally a set of
22   assessments that are administered remotely.
23 Q   Okay. And what are those assessments?
24 A   There are -- A logic exam called 20 questions,
25   there is a series of general skills about -- with

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1   both a math and verbal component to it that are
2   sort of analysis-type questions that are asked of
3   the individuals, there is a pattern matching
4   assessment that's given, pattern recognition type
5   of assessment, and then generally the first half
6   of the writing assessment is administered remotely
7   as well, although the entirety of it may be done
8   onsite, you know, depending upon the specifics of
9   the situation.
10 Q   Are all the results from those initial assessments
11   saved?
12 A   I believe so, yes.
13 Q   Okay. Where are those documents found?
14 A   I don't know the specific databases that they
15   would reside in.
16 Q   And what's the next step in the process after the
17   initial assessments?
18 A   The next step is the assessments are graded, and
19   then depending upon the individual's, you know,
20   scores on those assessments, if we elect to move
21   forward, there are -- you know, generally an
22   onsite trip is scheduled.
23 Q   Is there some sort of matrix used to determine
24   whether an individual's scores are sufficient to
25   have them move on to the next step?

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1 A   I don't know about a specific matrix. There are a
2   set of criteria that are deterministic in whether
3   we'll move forward with an individual.
4 Q   Where are those criteria kept?
5 A   Certainly one or more documents that the HR
6   department would maintain.
7 Q   So who in HR has the best knowledge about those
8   criteria?
9 A   Allison Stroud would be someone who would have
10   access to the documents if they existed.
11 Q   Have you seen any documents that outline the
12   criteria for whether they would move to the next
13   step at that juncture?
14 A   I have seen documents through time that would
15   relate to that, yes.
16 Q   And describe to me the type of document that we
17   would be looking for that would describe whether
18   somebody could move to the next step. Does it
19   have a title? What is on it specifically?
20 A   It's probably called hiring criteria or some
21   flavor thereof.
22 Q   Okay. With the position description -- position
23   title in it?
24 A   I believe so, yes.
25 Q   Do those change over time?

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1   A   Yes, they do.
2   Q   But there should be one for the time period in
3   question -- at least one for the time period in
4   question related to the lawsuit?
5   A   I would expect that there is a document with the
6   hiring criteria in it for the time period in
7   question, at least was in effect during the time
8   period in question.
9   Q   And HR would have knowledge about where that is?
10 A   Correct.
11 Q   If a determination is made that the candidate will
12   proceed, what is the next step in the process?
13 A   The next step is an onsite interview day.
14 Q   And is that an entire eight-hour day onsite or
15   shorter?
16 A   Generally shorter.
17 Q   Who conducts the interviews?
18 A   A variety of people.
19 Q   Are they in tech comm? Are they in another
20   department?
21 A   There will likely be an interview by someone in
22   HR, as well as one or more interviews with people
23   from tech comm.
24 Q   Any other interviewees -- interviewers?
25 A   I think that depends on how you qualify

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1   interviewer. They may -- will have lunch with
2   another member of Epic staff, which may be someone
3   in tech comm, it may be someone in a different
4   role. They do provide feedback as part of the
5   experience. Depending upon when they arrive in
6   town, they may have had dinner the previous night
7   with other candidates, as well as an Epic staff
8   member, and during that process the Epic employee
9   may provide feedback the next day or subsequent to
10   that that, you know, relates to their experiences
11   in that setting.
12 Q   Is there a system where these formal and more
13   informal interviewers enter their feedback?
14 A   Yes. They would get entered into the Insight
15   system.
16 Q   And, again, Brian Benz would have the best
17   information of how to look through the Insight
18   system?
19 A   Correct.
20 Q   Would they enter them in anyplace other than
21   Insight?
22 A   At various points in time, probably some of it was
23   entered on paper. I don't know when we began to
24   use various systems for that purpose.
25 Q   Is the next step after the interview a decision

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1   about whether or not to hire the individual?
2   A   No. There is additional assessments that are
3   completed while the candidate is onsite.
4   Q   Okay. So this happens the same day where they
5   come in for the interviews?
6   A   Correct.
7   Q   What are those additional assessments?
8   A   Generally the second half of the writing
9   assessment.
10 Q   Okay. Any others?
11 A   If they hadn't completed some portion of the other
12   assessments, that would also be administered while
13   they were onsite.
14 Q   Have you already listed all the assessments, then,
15   when you previously talked about ones that they
16   would do remotely?
17 A   Which ones have we done? 20 questions, the
18   two-minute math and verbal, the writing pretest,
19   the Rembrandt profile. I believe that to be all
20   of them.
21 Q   Okay. So if any of those weren't completed
22   remotely, those would be finished the day of?
23 A   Correct.
24 Q   Following that interview day, is that when the
25   decision is made about whether or not to hire the

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1   individual?
2   A   Subsequent to the interview day, correct.
3   Q   Who participates in the decision?
4   A   A variety of people from the HR group, generally.
5   Q   And do they follow specific matrixes or other
6   document to direct their decision about whether to
7   hire or not hire?
8   A   The hiring criteria type of document that we
9   discussed earlier would be the guide to that
10   conversation, although I think they have
11   internalized the criteria so I doubt that there is
12   a document on the table that they are comparing,
13   you know, side by side. They have internalized
14   the various cutoffs and things like that.
15 Q   So the individuals within that group have
16   discretion about whether or not to make a hiring
17   decision?
18   In other words, it's not lockstep based on
19   scores that they received through the various
20   tests administered during the process?
21 A   There is absolutely discretion within the HR group
22   about whether to move forward based on the
23   interview feedback, the assessments, and
24   background, GPA, transcript review, things like
25   that.

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1 Q And do they keep notes about their evaluation of a
2   candidate during that final meeting?
3 A They keep -- They will document the outcome of the
4   discussion.
5 Q Okay. Where is that documentation kept?
6 A I don't know where it actually lives. When I see
7   it, it's on a candidate face sheet, so I don't
8   know what system it is actually documented into.
9 Q What system produces a candidate face sheet?
10 A I believe it came out of the Insight system during
11   the time in question.
12 Q Okay. But you don't know if it was entered
13   directly into Insight or if it populated into
14   Insight from another program?
15 A I don't know how they get it into the system.
16 Q Would Brian Benz maybe know that?
17 A He might. Otherwise, someone from HR, such as
18   Allison Stroud.
19 Q During the period relevant to this lawsuit, has it
20   ever been a requirement that to be hired as a tech
21   writer you need anything beyond a bachelor's
22   degree?
23 A I guess by required beyond a bachelor's degree, we
24   do have a requirement that they have exceptional
25   academics, so we are looking for people with a

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1   certain GPA.
2 Q Correct.
3 A It may not -- You know, getting a bachelor's
4   degree is different than getting a bachelor's
5   degree with a given GPA.
6 Q Correct. So with the GPA, obtaining a BA with a
7   good history of academic or professional success
8   is enough in terms of the academic requirements to
9   be hired for the tech writer position?
10 A From the standpoint of the academics, yes.
11 Q And that's been true throughout the period
12   relevant to the lawsuit?
13 A I believe so, yes.
14 Q And there is no specific requirement about the
15   type of major that you had to have in order to be
16   hired?
17 A That is correct.
18 Q Is it also true that during the period relevant to
19   this lawsuit there was no software experience
20   whatsoever required to be hired in the role of
21   technical writer?
22 A It is true that there was no software experience
23   required for technical writer, implementation
24   services, or any one of a number of other roles at
25   Epic.

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1 Q Okay. But for tech writer specifically, none was
2   required?
3 A Correct.
4 Q Throughout the entire period relevant to this
5   lawsuit?
6 A Correct.
7   MR. ZOELLER: I'm going to hand it
8   over to Jay unless there is anything else.
9   Feel free to take a break if you need
10   it. If you don't need it, I'm just going to
11   hand it off to my colleague Jason for the
12   remaining topics.
13   THE WITNESS: We can go for a
14   while.
15   MS. HANSEN: Did you want to go
16   off?
17   MR. KNUTSON: Yeah.
18   MS. HANSEN: Going off the record.
19   The time is 2:31.
20   (Discussion held off record)
21   MS. HANSEN: We are back on the
22   record at 2:32.
23   EXAMINATION (Continuing)
24 By Mr. Knutson:
25 Q Mr. Martin, do you believe that Epic's technical

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1   writers assist in running Epic's clients'
2   businesses?
3 A How would you define client businesses?
4 Q I'll ask for your help with that. Who are Epic's
5   clients or who are some of Epic's typical clients?
6 A As we discussed earlier, our clients range from
7   mid-side to large healthcare organizations, both
8   domestically and internationally.
9 Q Okay. Let's use that as our definition, then. Do
10   you think that Epic's technical writers assist the
11   clients you just described in managing and running
12   their general business operations?
13 A Absolutely.
14 Q Can you give me an example of a few of Epic's
15   bigger clients in the past five years?
16 A In the past five years? Customers that are
17   customers during the past five years that are
18   large?
19 Q That's well put, yes.
20 A Sure. Organizations like Kaiser Permamente.
21 Q Others?
22 A Organizations like Duke or Yale, Sentara.
23 Q Who is Epic's largest Wisconsin-based client?
24 A I don't know specifically. It depends on the
25   metric. Probably either SSM Health Care or

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1   Aurora.
2 Q   Do you know who one of the larger clients in
3   Minnesota is?
4 A   Probably Allina Healthcare.
5 Q   Let's start with Kaiser. When you mentioned
6   Kaiser, do you think of a particular facility or
7   are you thinking of the healthcare group
8   generally?
9 A   The healthcare group uses our software across the
10   country, so I was thinking of it in the broader
11   sense.
12 Q   When you mentioned Duke, are you thinking of the
13   medical facilities located on the Duke campus or
14   something else?
15 A   Both on the Duke campus and facilities that they
16   may run or administer, you know, off-site their
17   campus but still part of their healthcare
18   organization.
19 Q   And how about Aurora, is there a particular
20   facility that comes to mind or are you again
21   thinking of the broader healthcare organization?
22 A   The broader healthcare organization, and,
23   you know, both the organizations they run and
24   organizations that they may extend the software
25   out to.

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1 Q   Do you know the name of any of the particular
2   healthcare offices that are part of the Duke
3   healthcare system?
4 A   Not by name, no.
5 Q   How about the Kaiser Permamente group?
6 A   South Sacramento Hospital.
7 Q   When we depose representatives of South Sacramento
8   Hospital to talk about their understanding of the
9   role that Epic's technical writers play in
10   managing or assisting with their general business
11   operations, is there anyone in particular that you
12   think we should talk to?
13 A   Not -- not at that organization.
14 Q   Are there any clients of Epic's, and I'm not
15   talking just about general organizations now, but
16   specific healthcare facilities where there is
17   someone in particular who comes to mind for you
18   who would be especially knowledgeable about the
19   way in which Epic's technical writers assist with
20   their general business operations?
21 A   I think all of the customers would understand the
22   import of the materials produced by the technical
23   communications staff in helping the organization,
24   the healthcare organizations that use Epic
25   software both run and grow their business.

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1 Q   And I'm asking if there is any specific person
2   that comes to mind that you think would be
3   particularly able to speak to that topic. At any
4   healthcare entity that Epic services.
5 A   I think a variety of people from different
6   organizations would be able to speak to that
7   point.
8 Q   Okay. Can you name any specifically?
9 A   Sure.
10 Q   Okay. Great. Go ahead.
11 A   Susan Heichert.
12 Q   And where is Susan?
13 A   She is at Allina Healthcare.
14 Q   Are there others?
15 A   Jeff Ferranti at Duke.
16 Q   Do you know what Jeff's title is at Duke?
17 A   He's the chief information officer.
18 Q   Any others?
19 A   A variety of people at other organizations.
20 Q   I understand there may be several. Do any other
21   people specifically come to mind?
22 A   People such as Gil Hoffman at Mercy Health.
23 Q   Where is Mercy Health?
24 A   They're based out of St. Louis.
25 Q   Do you know Gail's title?

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1 A   Gil, G-i-l.
2 Q   Thank you.
3 A   He's the chief information officer.
4 Q   Great. Anyone else?
5 A   Are we going to go through all the customers name
6   by name here? It would be helpful if you want us
7   to produce a list. I'm happy to talk about
8   specific people.
9 Q   That would be great. I mean, is this something
10   you could put into a list and just give to your
11   attorney who could then give it to us?
12 A   We can give you a list of all Epic organizations.
13 Q   Okay. That would be great. Well, what I would
14   like, and just so I can narrow the field for you
15   somewhat, and you'll be able to see the transcript
16   too, is I'm just looking for those individuals who
17   you personally think would be particularly able to
18   talk to us about the ways in which Epic's
19   technical writers assist in the running of their
20   general business operations. That's the list I'm
21   looking for.
22 A   I think the list I gave you would be a great place
23   to start.
24 Q   Agree. If you think that there are additional
25   people who you would like to add to that list,

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1 just let your lawyer know, and he'll get those to
2 me.
3 A A good start would be the list that I gave you.
4   MR. FINKEL: You'll serve me a
5   document request or interrogatory request,
6   right?
7   MR. KNUTSON: We will. Okay.
8   Great. Thank you.
9 Q It's my understanding Epic doesn't have a role
10   entitled salesperson; is that true?
11 A We have several salespeople.
12 Q Okay. So I'm wrong. Is there a role at Epic for
13   sales?
14 A Yes.
15 Q Okay. Is that what you call someone who goes and
16   tries to have a new healthcare entity buy Epic
17   software? Is that person called a salesperson at
18   Epic?
19 A Yep.
20 Q Okay. Can you tell me who some of the people who
21   are -- manage the sales department at Epic?
22 A Jackie Carlson. Gordee is her married name.
23 Q Do you know how long Jackie has been at Epic?
24 A More than ten years.
25 Q Okay. Anyone else?

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1 A Leslie Selby.
2 Q Do you know how long Leslie has been with Epic?
3 A More than ten years.
4 Q Have you ever gone on a sales call with either of
5   those two people?
6 A Yes, I have.
7 Q How recently?
8 A I met with them at health organizations in the
9   past couple of months.
10 Q As part of observing the sales process, were you a
11   participant in any discussions that related to the
12   roles -- and now I'm not using that in the term of
13   art sense that Epic uses it -- the roles that
14   Epic's employees would play in the implementation
15   of Epic's software at those health facilities?
16 A I'm not sure I understand the question.
17 Q Let me try again. When you went on sales calls
18   with Epic, did you get to sit in on conversations
19   during which Epic representatives talked to the
20   hospitals about what the people on Epic's
21   installation team would be doing for them?
22 A It's one of the things that's discussed during the
23   sales process.
24 Q Did -- Strike that.
25   I want you to just think to whatever the most

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1 recent sales meeting is you sat in on, and I don't
2 need the details of when or with whom. But as
3 long as you have it in mind, that's all that
4 matters. At that meeting did the role of
5 technical writers ever come up?
6 A I think we absolutely talked about the
7   deliverables that are shared as part of the
8   implementation process, as well as in support of
9   the software itself.
10 Q Did you talk to the customer about any particular
11   technical writers by name who might be involved in
12   that project?
13 A I don't think so, no.
14 Q Did you or anyone on the Epic sales team describe
15   to that customer that you believed that the
16   technical writers on that project would be
17   assisting the hospital in the management of its
18   business?
19 A Absolutely. As part of most sales conversations,
20   we talk about how the Epic software, both the
21   software and the documentation, will be used by
22   the healthcare organization to run their own
23   business, as well as help them grow their business
24   through extending it out to affiliates and things
25   like that.

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1 Q I just want to make sure that you understand my
2   specific question, which is: The sales meeting
3   you have in mind, did you or anyone from Epic
4   specifically tell anyone at the hospital that you
5   believed Epic's technical writers would be
6   assisting the hospital in managing its business.
7   So it's a slightly different question than
8   the one I think you just answered. I'm not asking
9   you if you told the customer that Epic has a team
10   of employees who are all going to help achieve the
11   goals. I want to know if the role of the
12   technical writers was specifically mentioned to
13   the customer as one being where they would be
14   assisting with the management of that hospital's
15   business.
16 A I don't know that we discussed any of the roles
17   specifically by name in that capacity. I don't
18   know that we discussed the software developers
19   having a role in managing their -- or helping them
20   manage their business. I don't know that we
21   discussed the technical services group having a
22   specific role in helping them manage their
23   business.
24   We talk about how the use of Epic software
25   and the patterns we have seen of success across

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1 healthcare organizations and how those two play
2 together.
3 Q I think I'm hearing you say you don't know whether
4   or not someone from Epic made that representation
5   to a customer. Am I right?
6 A I don't know whether we named any specific roles
7   by name during a particular sales discussion as
8   helping them run their healthcare operation.
9 Q Okay. Thanks.
10   So I have a Dell laptop that I use at work,
11   and that laptop came with an operator's manual.
12   And I want you to assume that that manual was
13   authored by technical writers at Dell subject to
14   some style guides at Dell.
15   Do you believe that the technical writers who
16   wrote that operator's manual are working directly
17   in the management and business operations of my
18   law firm?
19 A I don't know how you run your law firm, so I can't
20   speak to that question.
21 Q Okay. You're familiar with what a law firm is?
22   Yes?
23 A Yes. We've seen them produce lots of paper.
24 Q What information do you think you're lacking to
25   complete that analysis?

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1 A How your specific law firm runs itself.
2 Q Okay. You don't think you're capable of
3   hypothesizing generically how a law firm, or
4   really any other business, for that matter, might
5   operate?
6 A Do I think I can hypothesize, sure.
7 Q Okay. That's what I would like you to do. So
8   I'll restate my question.
9   Did the technical writers who wrote the
10   operating manual for my Dell laptop for my office
11   work directly related to the management or general
12   business operations of my law firm?
13   MR. FINKEL: I'll object to the
14   form. Calls for a legal conclusion and for
15   the witness to speculate.
16 A So I presume on your fancy Dell laptop that you've
17   got you've got a variety of software programs,
18   including Microsoft Office, probably some systems
19   that you use to take notes in, possibly systems
20   to, you know, deal with document preparation. To
21   the extent that those types of things are covered
22   in the manual you got from Dell, then absolutely I
23   would expect that it's covering the operation of
24   your law firm.
25 Q Thank you. All right. Let's move on.

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1   Are all the technical writers at Epic paid in
2   the same way, meaning they get a fixed salary
3   regardless of how many hours they work?
4 A All of the technical writers at Epic are salaried
5   employees.
6 Q Are they all paid in the same way?
7 A Are they all paid the same amount, no.
8 Q No, not the same amount. Are they all paid the
9   same way, meaning salaried? There isn't a
10   technical writer who gets paid differently than
11   all the other technical writers?
12 A As I stated a second ago, all the technical
13   writers at Epic are salaried employees.
14 Q I just wanted to give you an opportunity to
15   testify if there is a technical writer who is paid
16   differently than any other, and if your answer is
17   they're all salaried and you think that's
18   responsive, that's fine. I just want to give you
19   the opportunity to testify differently if you
20   would like to.
21 A For the third time, I believe all technical
22   writers at Epic are salaried employees.
23 Q Okay. Fair enough. Are they eligible for any
24   bonuses?
25 A They're eligible for a variety of forms of

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1   additional compensation.
2 Q Can you please tell me what those are?
3 A There is an annual discretionary bonus, there is a
4   sabbatical program, there is a 401(k) match, there
5   are spot bonuses, there are a variety of things
6   like computer loans that occur interest free.
7   There is an annual holiday card which has money in
8   it. That may not have been self-evident
9   otherwise. There are a variety of benefit
10   programs that they participate in.
11 Q Okay. Your specialty at Epic is not benefits and
12   compensation; right? I don't expect you to know
13   every single way they're compensated. What you
14   just gave me is a list of the ones that you're
15   aware of; right?
16 A Sure.
17 Q Okay. In your personal experience or personal
18   knowledge, what's the biggest bonus you're aware
19   of a technical writer getting at Epic?
20 A I don't know offhand.
21 Q Okay.
22 A More than $5,000 from an annual discretionary
23   standpoint. Many of them are eligible for stock
24   appreciation rights, another form of compensation
25   I didn't discuss before, which, depending upon the

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1 employee's tenure, could have substantially more
2 value than that.
3 Q Do you have any idea what the starting salary is
4 for technical writers at Epic, let's say at any
5 point within the past four years?
6 A Yes.
7 Q What is it?
8 A It would depend on the point in time.
9 Q Okay. Let's pick January 1st of 2013.
10 A I believe the starting salary was $40,000 with a
11 $2,000 pay bump when they completed the
12 certification.
13 Q In the past ten years has the starting salary for
14 technical writers varied more than $10,000 from
15 that amount?
16 A I don't believe so. Not at an aggregate level.
17 An individual may have a different salary based on
18 previous work experience, whether they had a
19 master's degree or something like that.
20 Q Okay. Excuse me.
21   (Discussion held off record)
22 A And you asked with respect to starting salary,
23 correct?
24 Q I did. Thank you.
25 A Okay.

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1 Q I'm looking for an exhibit that should already be
2 in front of you and at the top it's going to say
3 Info Sheet - Writing. Do you want to look or
4 would you rather I do it?
5 A I'm good at scavenger hunts.
6 Q All right.
7   MS. SNAPP: It's Exhibit 7, I
8   believe.
9   MR. KNUTSON: Thanks, Breanne.
10 Q Have you got it?
11 A I do.
12 Q All right. I'm looking in the middle. There is a
13 heading that says Salary range (are there upper
14 limits that we rule people out based upon?). Do
15 you see that?
16 A I do.
17 Q Okay. And it looks like this is consistent with
18 what you just said. It says 40, which I'm going
19 to assume is 40,000, for bachelor's and no work
20 experience, into the mid 40s for a master's and/or
21 work history. If a candidate wants over 50K,
22 they're probably not going to accept our starting
23 salary.
24   I believe that's consistent with what you
25 just said. Do you feel like it's consistent with

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1 where you set the salary range for technical
2 writers over the recent years?
3 A I believe so.
4 Q Okay. Do you know of any technical writers who
5 make more than $100,000?
6 A Yes.
7 Q How many?
8 A More than ten.
9 Q Would those people be described as team leads?
10 A Some of them might be. It would not be a
11 requirement that you be a team lead.
12 Q Okay. So I just want to make sure you understand
13 that we understand that there is confidentiality
14 attaching to people's personal information here
15 today. I don't really want to get into who the
16 individuals are, but I think I need to know who
17 they are.
18   MR. FINKEL: Well, I think if you
19   clarify your timeframe and put it into the
20   statutory period for this case, I think
21   you're going to get a different answer.
22   MR. KNUTSON: Okay. Thanks.
23   MR. FINKEL: At least if you
24   exclude TLs too.
25   MR. KNUTSON: Yeah, thanks. No,

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1   let's try it that way.
2 Q Do you know of any technical writers in the
3 relevant time period we're talking about here who
4 make more than 100,000 a year?
5 A During the time period in question?
6 Q Yeah.
7 A I would assume someone like Matt Becker made more
8 than $100,000.
9 Q Okay. Anyone else?
10 A I presume there were others. I don't know by
11 name.
12 Q Okay. Who would we talk to to find out if there
13 were?
14 A You could check with counsel.
15 Q Okay.
16 A I presume we have that information prepared.
17 Q All right. No one else comes to mind off the top
18 of your head, though, other than Matt Becker right
19 now?
20 A Possibly others like Cate Valenzuela.
21 Q Anyone else?
22 A Possibly Andy Dolan.
23 Q Any others?
24 A Possibly Nikki Muenchow.
25 Q Did you get that one? Nikki Muenchow.

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1   A   Do you need me to clarify that one later?
2   Q   Have the technical writers at Epic always been
3   exempt from overtime? Has there ever been a
4   period of time when Epic's technical writers were
5   paid overtime?
6   A   Technical writers have always been salaried at
7   Epic.
8   Q   Are you aware of Epic ever doing an individualized
9   assessment of the technical writers? In other
10   words, technical writer by technical writer to try
11   to determine whether they should be paid overtime?
12 A   An individual assessment of whether a particular
13   person is appropriately classified?
14 Q   Right.
15 A   I am not aware of such analysis.
16 Q   Epic keeps electronic records for both the amount
17   of and the type of work that the technical writers
18   perform; is that true?
19 A   We keep records -- We keep -- The output of the
20   technical communications staff work is one or more
21   documents, as we talked about. Those are retained
22   electronically.
23 Q   I'm sorry. Let me try to ask a better question.
24   Technical writers track their time somehow; right?
25 A   They do.

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1   Q   Okay. Is there a system at Epic that does that?
2   A   We talked about before it's called TLG.
3   Q   Right. And does TLG also track the type of work
4   being done or just the amount of time being spent
5   on the work?
6   A   It tracks to a reasonable level specificity the
7   type of activity that an individual is engaged in.
8   Q   And does the TLG system make use of codes?
9   A   It makes use of a variety of types of codes. You
10   would have to clarify what you mean.
11 Q   Okay. Does it make use of codes that help
12   describe the type of work that the technical
13   writers are logging?
14 A   Yes. There are one or more codes that they may
15   associate with various periods of time that
16   they're logging.
17 Q   Okay. Can you describe what a TLP is, please?
18 A   A TLP would be one such code.
19 Q   Is there a common technical writer TLP sheet that
20   a technical writer could locate within Epic's
21   system?
22 A   I presume there is a cheat sheet of sorts that has
23   the common TLP codes that a technical writer would
24   use.
25 Q   Would you expect that to be in the wiki somewhere?

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1   A   It may be. It may be an independent document. I
2   don't know.
3   Q   Who would be the right person for us to talk to to
4   see if that document exists and where it is?
5   A   Someone like Cate Valenzuela or Andy Dolan would
6   likely know.
7   Q   Okay. Is the TLG system, do you consider it to be
8   like a time clock at Epic? Is the TLG system
9   used -- Are you familiar with what I mean by a
10   time clock?
11 A   It is absolutely not a time clock.
12 Q   Okay.
13 A   It is a system by which people record the time
14   that they work.
15 Q   How often do technical writers log their time in
16   the TLG system?
17 A   It will vary from the individual. Some may log it
18   as they go through the course of the day. Some
19   may log it at the end of the day or the beginning
20   of the next day. Some may log it weekly. Some
21   may log it toward the end of the month.
22 Q   And is monthly the broadest distance that they're
23   allowed to log their time? Do you have to get
24   your time in by the end of the month or by the
25   start of the next month?

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1   A   Yes, the employees have their time logged by the
2   end of the month.
3   Q   Would you agree that sometimes technical writers
4   may not log their time completely?
5   A   I can't speak to any individual. We instruct the
6   technical writers, like all staff at Epic, to log
7   all time spent working into TLG.
8   Q   I've got in front of me some of your deposition
9   testimony from 2014. That case involved QAs. I'm
10   going to read an excerpt from your deposition, and
11   then I'm going to ask you whether you think it
12   applies to technical writers.
13   So I'm looking at page 84 of your deposition.
14   You were asked, "Can a QA do work without entering
15   a TLP?" Answer: "Yes." Question: "And if an
16   employee arrives at work, for example, at 8:00 and
17   does things but it doesn't enter a TLP until, say,
18   8:30, is there any documentation of that 30
19   minutes that you're aware of?" Your answer: "The
20   act of doing work is disassociated with the act of
21   logging the time. Employees may log their time as
22   they go. Employees may log their time
23   retrospectively." Question: "Or not log it at
24   all or not log it completely?" And your answer:
25   "Some employees may not log their time

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1   completely."
2   I'm representing to you that's the testimony
3   you gave at your last deposition related to QAs.
4   Do you believe that that testimony would also be
5   accurate with respect to technical writers?
6 A I think it is a reasonable description that would
7   apply to all roles.
8 Q And you would agree that the TLG system was not
9   designed to check that people are working a
10   certain amount?
11 A Correct.
12 Q Thanks. Does Epic maintain some system beyond the
13   TLG to track the lunch breaks or bathroom breaks
14   or other breaks that technical writers might take
15   in the course of their day?
16 A No. There is no system. As salaried employees,
17   we expect them to log the time that they spend
18   working, and in the training we -- for using TLG
19   we expressly indicate that you shouldn't log time
20   spent having lunch, for example.
21 Q Do you know if technical writers are supposed to
22   log the time they spend working from home?
23 A As I had testified previously, we instruct all
24   employees to log all time spent working, whether
25   from campus, from home, from an airplane. All

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1   time spent working should be logged.
2 Q Is it a common practice for Epic's employees to
3   work from home?
4 A What do you mean by common practice?
5 Q Okay. Is it something that happens with
6   regularity?
7 A I think there are some employees who do connect in
8   and do work from home on occasion.
9 Q Do you believe technical writers would fall into
10   that category as employees who will occasionally
11   do work from home?
12 A I think it is likely that some members of the
13   technical communications staff may log in and do
14   work from home and the time that they do that
15   would be logged as time spent working.
16   MR. KNUTSON: All right. Can I
17   have this one, Breanne?
18   THE WITNESS: If we're heading
19   toward a natural break point at some point, a
20   break would be great.
21   MR. KNUTSON: Yeah. I'll ask you
22   one question about this, and then we will
23   take a break.
24   (Exhibit No. 20 marked for
25   identification)

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1   THE WITNESS: I think she said 20
2   in hand signals.
3 Q All right. You've been handed a document marked
4   Exhibit 20. It appears to me that this is a
5   document from one of Epic's wikis. Does it look
6   like that to you too?
7 A It looks that way, yes.
8 Q This is described as Advice from Team Members, and
9   I want to direct you to the first section under
10   Processes in the bottom third. It says, "Have VPN
11   access at home. You don't want to be waiting
12   around at work until 3:00 a.m. for a client build.
13   At least by having VPN access you can be in the
14   comfort of your own place." - Sara. Do you see
15   where I read that?
16 A I do.
17 Q Is the VPN access, that's something -- is that
18   something that Epic helps employees set up on
19   their either home computer or a mobile computer if
20   they have one?
21 A It's something that we provide them access to and
22   there are instructions for how to set it up if
23   they're interested in setting it up.
24   MR. KNUTSON: Okay. Thanks. Let's
25   take a break.

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1   MS. HANSEN: Going off the record,
2   end of DVD number 5. The time is 2:59.
3   (Recess)
4   (Mr. Zoeller exited the
5   proceedings)
6   MS. HANSEN: We are back on the
7   record with DVD number 6. The time is 3:08.
8 Q Welcome back. I'm looking at a document that I'm
9   going to share with you in just a second. It's
10   called a QA assessment, and the reason why I'm not
11   sharing it with you is because I only have one
12   copy. But I want to know if there is a comparable
13   document for technical writers. And before you
14   answer, let me give Noah a chance to see it too.
15   Go ahead.
16 A I don't know that there is a corresponding
17   document for technical communications.
18 Q Okay. If we wanted to find out if there is, where
19   would be a good place for us to start our search?
20 A That would start by asking someone like Andy
21   Dolan.
22 Q All right. Thank you.
23   MR. KNUTSON: Is this marked
24   already?
25   MS. SNAPP: No, it's not marked.

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1   MR. KNUTSON: Thanks.
2   (Exhibit No. 21 marked for
3   identification)
4 Q   All right. You've just been handed Exhibit 21.
5   I'm going to assume you haven't seen it before. I
6   am planning to ask you about the last two
7   paragraphs, so if you wouldn't mind taking a look
8   at those. Have you had a chance to look at it?
9 A   I have.
10 Q   I'll represent to you that this is a document that
11   was provided by your lawyers as part of the
12   training materials produced. I'm going to go to
13   that first paragraph under the heading Daily Work
14   Hours. It says, "Over the years we've found that
15   for people to get done the right amount of work at
16   the right level of quality, usually it takes about
17   45 hours so I like to mention that specifically
18   since different people have different expectations
19   about work hours. This isn't a strictly 9:00 to
20   5:00 job."
21   And just for completeness, we'll finish it
22   off. "More than hours though, you'll be
23   responsible for getting all your work done and
24   getting it done well and that means your time
25   commitments will likely vary." Do you see where I

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1   read that?
2 A   I do.
3 Q   Continuing then, it says, "During these
4   publication periods or perhaps during other times
5   during the year, you're going to have crunch times
6   where lots of work needs to get done. These are
7   normal. There will be weeks when you work 50 or
8   even 60 hours. There will be times when you work
9   on the weekends. It might only be a couple months
10   a year where things get this crazy." Do you see
11   where I read that?
12 A   I do.
13 Q   Is the workload and workflow described here
14   consistent with your observations at Epic? Are
15   there times when there are busy periods where
16   people might be working 50 or 60 hours a week?
17 A   There are certainly times that are busy in advance
18   of a deadline. The deadlines will vary based on
19   an individual or sort of some team within tech
20   comm that an individual is on. During those
21   periods individuals may need to work more than
22   40 hours to get the work done that they need to
23   get done.
24 Q   And are there times when you would expect
25   technical writers might have to work on weekends

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1   to meet a deadline?
2 A   It would depend on the individual whether they
3   chose to work on a weekend, whether they chose to,
4   you know, work late one night to get their work
5   done in advance of a deadline, and some staff may
6   not need to work at all on a weekend or at night.
7   They may have been able to complete their work
8   during, you know, normal business hours.
9 Q   Right. Some may work weekends, though?
10 A   Some may.
11 Q   Right. Do you know whether -- We're done with
12   that. Thanks.
13   Do you know whether new technical writers at
14   Epic can take vacations in the first six months of
15   their employment?
16 A   I think they can take one day, I believe, during
17   the first six months. I would need to confirm.
18 Q   Do you know how much vacation a technical writer
19   could expect to accrue in the first two years of
20   his or her employment?
21 A   In the first two years, I believe they get two
22   weeks of vacation annually.
23 Q   How much vacation do they get after two years, do
24   you know?
25 A   They get a third week of vacation annually, and

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1   then after five years they're eligible for a
2   sabbatical every five years where they get an
3   additional month off every five years.
4 Q   Does it increase again after five years, the
5   amount of vacation?
6 A   The sabbatical starts at five years. The amount
7   of vacation?
8 Q   Yes.
9 A   It does not.
10 Q   Okay. But you were saying, I'm sorry, the
11   sabbatical does increase after five years?
12 A   If you think of the sabbatical as vacation time,
13   then absolutely it increases after five years. At
14   some point during the years between five and ten,
15   you can take a four-week long sabbatical or you
16   could split it into two-week long sabbaticals, so
17   additional vacation time sort of divvied up how
18   you want to divvy it up.
19 Q   Forgive me if I asked you this earlier today. Are
20   technical writers subjected to an exit interview
21   when they either leave Epic or transfer to a
22   different role?
23 A   Some staff are given an exit interview when they
24   leave Epic. There is not a formal interview when
25   people transfer between roles.

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1 Q   Have you ever seen a document at Epic that
2   memorializes an exit interview of an Epic
3   employee?
4 A   Yes, I have.
5 Q   Do those -- or did the document that you're
6   thinking of include a description of the average
7   number of hours that the employee worked while
8   they worked at Epic?
9 A   It has a section where the employee's average as
10   computed, you know, is juxtaposed with the average
11   as asked during the exit interview so that the two
12   can be compared to how the employee remembers
13   their workload being.
14 Q   All right. Do you know why that's important? Why
15   is that side-by-side analysis included on the exit
16   interview sheet?
17 A   I don't know specifically the genesis of both
18   those data points being included.
19 Q   Do you have -- Can you think of a reason why it
20   might be important to you? Is that information
21   useful to you?
22 A   As two different data points for someone's work
23   history.
24 Q   Is it an average of their TLG data that's
25   represented on the sheet?

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1 A   The averages that are represented is an average
2   over a fixed period of time. I don't know whether
3   it's six months or a year or something like that
4   that is included.
5 Q   How -- Well, do you know what data comprises that
6   average?
7 A   TLG data.
8 Q   Okay. All the TLG data? Is there any TLG data
9   that is not considered in that average?
10 A   I don't know specifically what's included in that
11   average.
12 Q   Okay. Do you know who at Epic is responsible for
13   figuring out the calculation for the TLG average
14   data on exit interview forms?
15 A   I don't know who was responsible for that
16   calculation.
17 Q   If had you to find out, where would you start?
18 A   I would start with Allison Stroud.
19 Q   And which department or organization is she in?
20 A   She's the head of HR.
21 Q   Okay. Thank you. Would you expect that people
22   applying at Epic to be technical writers are told
23   that they will be working more than 40 hours a
24   week?
25 A   Yes. We've reviewed documents earlier that are

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1   shown to prospective candidates that indicate the
2   expectation of between 45 and 50.
3 Q   If a technical writer at Epic works less than
4   40 hours a week, would you expect that to be a
5   reason for that person to be described as a poor
6   performer at Epic? Let me rephrase the question.
7   Are the amount of hours worked a metric used
8   to gauge a technical writer's performance at Epic?
9 A   The amount of hours worked by an individual in
10   many roles is used as an indicator of how much
11   time someone is spending working and, as such,
12   understanding how the amount of time versus the
13   amount of output compares. If someone is logging
14   less than 40 hours' worth of time, I would expect
15   that the natural follow-up would be a discussion
16   about, you know, looking at the work that they are
17   doing and is there more work that, you know, they
18   could be doing to, you know, take advantage of the
19   time available.
20 Q   And I just want to make sure that I'm clear. I
21   think you said either many roles or all roles at
22   Epic are subject to that analysis. Are technical
23   writers among the ones you had in mind?
24 A   Technical writers are one of the roles that log
25   their time, yes.

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1 Q   Thanks. I just want to make sure that I got it
2   right when we started this morning. The technical
3   writing role at Epic has existed, you think, for
4   20 years?
5 A   I think it was formed in the early Nineties.
6 Q   Do you know if there has ever been an audit done
7   of the technical writing role to determine whether
8   or not technical writers should be paid overtime?
9 A   With respect to the time period in question ending
10   at the -- what, April of 2014, I'm not aware of
11   any assessments, internal or external, of whether
12   technical communications staff are appropriately
13   classified.
14 Q   Are you aware of that happening beyond the time
15   scope you just described?
16   MR. FINKEL: Objection. Relevance.
17 A   It's not something I was prepared to address
18   today. I don't know.
19 Q   Okay. Are you aware of whether such an audit
20   occurred after 2014?
21   MR. FINKEL: Objection. Relevance.
22 A   As I said before, it was not something I asked
23   about or was prepared for for today.
24 Q   Okay. Does that mean you don't know?
25 A   I don't know.

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1 Q   Okay. Thank you.
2   New technical writers arrive on Epic's campus
3   and undergo some training; is that correct?
4   They're trained?
5 A   Yes. We went through gory detail on training
6   while you were out.
7 Q   Okay. Do you believe that the technical writers
8   at the first day of their training are exempt from
9   being paid overtime?
10 A   I believe that technical communications staff at
11   Epic are salaried employees.
12 Q   And I appreciate that you're trying to answer my
13   question and I'm sorry if I'm going back to it,
14   but what I'm trying to find out is whether you
15   think that the technical writers who are at Epic
16   for their first day of training are exempt from
17   being paid overtime.
18   MR. FINKEL: Are they classified
19   that way or should they be classified that
20   way?
21 Q   Let me try again. Okay?
22 A   Please do.
23 Q   Thanks. Let's say I applied to be a technical
24   writer at Epic and I got hired. So Sunday night I
25   am not an Epic technical writer, I am --

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1 A   You're not an employee at all.
2 Q   Right. I am a guy with a liberal arts degree from
3   a midwest college, with no computer experience.
4   Monday morning I arrive at the Epic campus to
5   start my training as a technical writer. Do you
6   believe that upon my arrival at Epic's campus on
7   that Monday morning that I should be classified as
8   exempt from overtime?
9 A   Yes. I believe when you arrive on campus that
10   morning you are a salaried employee.
11 Q   Okay. Thank you.
12   Do you believe that -- and let's use the same
13   hypothetical of the first day technical writer
14   with a liberal arts degree and no computer
15   background. Do you believe that that person upon
16   arrival on the Epic campus for training as a
17   technical writer is similarly skilled to a
18   computer programmer or a software engineer or a
19   computer systems analyst?
20   MR. FINKEL: Object to the extent
21   it calls for a legal conclusion.
22 A   I believe that they are highly educated employees
23   who, just like the other roles that you described,
24   are new hires that are then trained by Epic to be
25   systems analysts as part of their day-to-day

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1   duties.
2 Q   And, again, I want to make sure I understand your
3   testimony. Are you saying that a first day
4   technical writing trainee at Epic is similarly
5   skilled to a computer systems analyst?
6 A   They have the same necessary background from an
7   Epic standpoint to become a computer system
8   analyst.
9 Q   I understand they have the potential to become
10   one. But on the first day of training are they
11   similarly skilled to a computer systems analyst?
12 A   It would depend on the specifics of the
13   individual. I mean, absolutely they come in with
14   the requirements necessary that we think are
15   important from a background standpoint, so strong
16   academics and a bachelor's degree. They are then
17   building upon that academic foundation as they
18   begin learning more about the Epic applications.
19 Q   Let's use the same hypothetical we were of a
20   person with an undergraduate degree in a liberal
21   arts, let's say philosophy, with no computer
22   experience. Does that person have similar skills
23   to a computer systems analyst upon their arrival
24   on the Epic campus for training as a technical
25   writer?

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1 A   On their first day on the Epic campus, they have
2   the same knowledge as a new hire software
3   developer does with respect to being a computer
4   system analyst with the Epic applications.
5 Q   And for the reason you just described, then, you
6   would agree that the first day tech writer is
7   similarly skilled to a computer systems analyst?
8 A   I'd say they are a computer system analyst at that
9   point. That is their role there.
10 Q   Do you have an understanding of what roles
11   Jennifer Peterson and Jamie Bjorklund fill at
12   Epic?
13 A   Yes. As we discussed when I think you were out of
14   the room, they are members of our HR group.
15 Q   Do they have titles that you're aware of?
16 A   As we discussed before, they may have a role of
17   personnel, but their group is the human resources
18   group.
19 Q   Is it your understanding that the human resources
20   group at Epic is the group responsible for making
21   FSLA exception/compliance determinations for Epic
22   employees?
23 A   The human resources group in consultation with
24   members of our legal group or with executive
25   management would make such a determination.

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1 Q I think we'll use this one tomorrow. I think
2   we'll use this one tomorrow. We're just going to
3   take a short break.
4 A Okay.
5   MS. HANSEN: Going off the record.
6   The time is 3:25.
7   (Recess)
8   MS. HANSEN: We are back on the
9   record at 3:34.
10   MR. KNUTSON: Thank you.
11   Mr. Martin, those are all the questions I
12   have for you at this time, but your attorney
13   may have some.
14   MR. FINKEL: And I have no
15   questions, and we'll reserve signature.
16   MR. KNUTSON: Okay. Then you're
17   done. Thank you for your time today.
18   THE WITNESS: Thank you.
19   MS. HANSEN: We are off the record,
20   end of deposition. The time 3:34.
21   (Adjourning at 3:34 p.m.)
22
23
24
25

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1 STATE OF WISCONSIN)
) ss.
2 COUNTY OF DANE   )
3   I, PEGGY S. CHRISTENSEN, a Registered Professional
4 Reporter and Notary Public duly commissioned and
5 qualified in and for the State of Wisconsin, do
6 hereby certify that pursuant to notice, there came
7 before me on the 23rd day of February 2016, at
8 9:03 in the forenoon, at the offices of
9 Hawks Quindel, S.C., Attorneys at Law, 222 West
10 Washington Avenue, Suite 450, in the City of Madison,
11 County of Dane, and State of Wisconsin, the following
12 named person, to wit: STIRLING B. MARTIN, who was by
13 me duly sworn to testify to the truth and nothing but
14 the truth of his knowledge touching and concerning
15 the matters in controversy in this cause; that
16 STIRLING B. MARTIN was thereupon carefully examined
17 upon his oath and his examination reduced to
18 typewriting with computer-aided transcription; that
19 the deposition is a true record of the testimony
20 given by the witness; and that reading and signing
21 was not waived.
22   I further certify that I am neither
23 attorney or counsel for, nor related to or employed
24 by any of the parties to the action in which this
25 deposition is taken and further that I am not a

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1 relative or employee of any attorney or counsel
2 employed by the parties hereto or financially
3 interested in the action.
4   In witness whereof I have hereunto set my
5 hand and affixed my notarial seal this 2nd day of
6 March 2016.
7
8
9   Notary Public, State of Wisconsin
                     Registered Professional Reporter
                     Certified Realtime Reporter
10
11 My commission expires
   August 7, 2016
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